

App. F. IX-4

Previous References

Pris 43-34 (1-10)

1939.

Legis

File No. 5-3

Serial Nos. 1

Later References.

Pris 20-41 (1-11)

PRESERVED

28

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

One and

Part B for

July 39.

SUBJECT.

Mysore Juveniles Bill.

WD 0573—GPB—22,500—12-9-39

W. B. Hambrook

24.6.40.

Serial
No.

Letter dated 16th Dec 1936 from Mr. Brahmachari Ramachandra, Secretary to Siva Sangha, Bangalore reporting that Mr. A. E. Walden and Capt. J. K. M. may be nominated as additional members of the Bodhi School Committee and that the terms of reference of the Committee may be enlarged so as to include the question of controlling the vagrant

(1) The note submitted to the Dewan by Mr. Ramachandra in regard to the measures to be adopted for controlling beggars & Vagrant boys has been forwarded to the Dir of P.W. for opinion. Subsequently the President (Dr. Sir K. P. Puttanna Chetty) Mysore Civic & Social Progress Assn. has suggested a resolution by the Assn. at a meeting held on the 8th Dec 1936 that the terms of reference of the Bodhi School Committee might be enlarged so as to include the question of controlling beggars & Vagrant boys. This has been submitted for orders

Prison

3591

Appointment of additional members
to the Borstal School Committee

Pais File No. 18

of 1936

General and Revenue
SecretariatSerial
No.

separately for being forwarded to the
Dlrs of Police for opinion in continuation
of the note submitted by Mr Rama
Chandra.

2) On receipt of a reply from
the Dls of Police in regard to the
note of Mr Ramachandra and
the suggestion of the Mysore Civic
& Social Progress Assn, action
will be taken to include the
question of controlling beggars &
Vagrants in the persons of
reference of the Borstal School
Committee

A

3) The nomination of Mr
Walden & Capt. Murthy as
additional members of the Committee
~~is for consideration~~ may perhaps
be considered now.

21/12/36 4) Submitted for orders. Kind
reference is invited to ~~orders~~
the orders at paras 33 & 34
of the notes in Pais File 43-34
flag 'A' placed below.

5) A may be approved

Prison

3591

3

General and Revenue
Secretariat

Pris File No.

18 of 1936.

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6) Regarding the proposal to include Messrs J. R. K. Murthy and Walden, as additional members, I may state that the Committee already consists of nine members, and the question of nominating additional members may perhaps be considered if the terms of reference to the Committee are to be enlarged by including the consideration of the question of giving protection to vagrant and beggar children.

Open. Secy)

BKR
24.12.36

7) Yes
two
26/12

Wor
26/12

Submitted

8) The Secretary to whom the question of enlarging the terms of reference of the Boardal School Committee, so as to include the problem of dealing with vagrant & beggar children, was referred for opinion, has ^{informed that} in his letter dated 27.11.1937 (which has been separately submitted for perusal) that the problem has been included in the proposed legislation and ~~the definition and the definition~~

GENERAL SECRETARY.

24 DEC. 1936

1511

Sus C
26/12/36

Prison
Q Borstal School

3591
of 193

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General and Revenue
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No.

Report of the Committee is to be submitted
to Govt. after the meeting which has
been fixed for today (2nd 3 3rd)

Thus it may be seen that
the question of appointing ~~three~~
Capt. Y. V. K. Murthy & Mr. Walden
as addl members to the Borstal
School Committee does not arise
at this late stage when the
Committee has more or less
reached the final stage of their
function.

Submitted for kind perusal
or order Reference para 6

2/3/37
J. S. S.
3-3-37

9) In view of the
fact that the deliberations of
the Committee have by this time
concluded, an question of nominating
additional members may perhaps
be dropped.

BKR
3-3-37

Gen. Secy. J. S. S.

BKR
5-3-37

GENERAL SECRETARY
3-MAR 1937
58

Wren

Lee Li of Prison

Letter no 3997-10 dated 3rd March 1937
stating that the final meeting of the
Committee was held on the 2nd March 37
and that the report was submitted
& read about the 1st March 37.

Submitted for kind perusal.

5 MAR 1937

по 8

5/2/2017

Gen. Secy.

And
7/3

1042
5-3-37

$$\frac{1000}{8.337}$$

1922 November

1/02
8/2

W4
9/2

BNR
9.3

8 MAR 1967
SP 64

~~Sus A~~
~~10/3/97~~

3

The Board of Directors of the
 Corporation of the City of New York
 has the honor to acknowledge the receipt of
 your letter of the 11th inst. in relation
 to the proposed extension of the
 City of New York.

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No.

School in the State.

All the members of the Committee are unanimously of opinion that the establishment of a Borstal School in the State is an urgent necessity & cannot be postponed any longer in view of the growing increase of the juvenile offenders. They have submitted a detailed report formulating definite proposals and a draft regulation called "Juvenile Regulation" for complementing the Scheme.

The proposals are:-

- 1) That the proposed School may be constructed at a capital cost of Rs 200000 near the New Mental Hospital building so that the officer in charge of the Mental Hospital who is a psychology expert may be in a position to give his expert advice in regard to the treatment of the inmates as a consultant officer. It is suggested that in regard to the

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7
Layout of the building Mr Alexander
Patterson, M. C. His Majesty's Prison
Commissioner for Botswana Institution, may
be consulted, if necessary.

2) That residential quarters for
the officers & staff of the institution
at a cost of Rs 3,000 may also
be constructed in close proximity to
the building of the School.

3) The building may be furnished
at a cost of Rs 5,000/-.

4) The Capital cost ~~may be~~ of
the building, residential quarters
& furniture may be borne by
Govt.

5) That there need be only one
institution for the delinquents &
vagrants.

6) That a staff at an annual
recruiting cost of Rs 10,644/- may
be entertained for the School.

7) This recruiting expenditure ^{also} ~~may be~~
met by public funds.

8) That both literary & vocational
instruction may be given in the

about Rs 44,644/-
minus Rs 4,000 }

8

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School.

9) that there need be no separate After-Care & Probation Association but the existing Central ~~prisoners~~ discharged prisoners' aid Society may extend its work in the case of the Borstal School inmates after discharge from the School.

10) The Committee are of opinion that there is no need ~~for a separate~~ to have separate Regulation for the delinquents ~~who are~~ and vagrants but these two categories may be brought under the one & the same Regulation by making it sufficiently comprehensive. Accordingly they have submitted a draft Regulation combining therein the more important provisions contained in the Madras Children's Act, Reformatory School Act & the Borstal School Act.

11) They suggest also the

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establishment of a Juvenile Court.
They propose that the grant for the
buildings may be provided in the
next year's budget.

Submitted for order. If approved
the Regulation attached to the report
will be detached & scrutinised separately
and dealt with in a separate file.

20/8/37.
M. S. S.

15) Regarding the need for
the establishment of a Borstal Institution for the
State, there cannot be any difference of
opinion. In their report, the Committee have
pointed out that juvenile crime is on the
increase in the State, particularly in large
towns and cities and it is absolutely necessary
in the interests of the State and the Society that
these young offenders should be weaned
away from such tendencies. They suggest that
an institution, providing for 300 boys, should be
started at Bangalore. It is estimated that a
non-recurring expenditure of 2.35 lakhs (2.3
lacs for buildings and .05 lakhs for equipment
and a net annual expenditure of Rs 40,000/-

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would be required. It maybe pointed out in this connection that the Committee have not taken into account the savings to be effected in the expenditure of the Central or other jails by the removal of juvenile offenders from such jails; or of any contribution likely to be recovered under Section 27 of the proposed Regulation.

(14) The question of establishing an institution has been under the consideration of the Government since 1917, but the question was dropped from time to time on account of difficulties in financing the scheme. The estimates which the Committee have now furnished are far in excess of any previous estimates. It is therefore a matter for consideration, whether the financial position of the State permits, at present, the establishment of the institution.

(15) Coming to other matters, the institution must be away from prison atmosphere. Every thing must be made to conform to the school aspect of the institution. I think it is therefore

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No.

desirable that the Institution should be under the Education Department.

16) It is also a matter for consideration whether the housing of juveniles who have not yet committed any offence, together with the young offenders may not have a bad effect on the former.

17) The Committee points out the difficulty in arranging for the after-care of the inmates on their release. The Indian Jail Committee of 1919-20, have recommended in their report, the formation of a Committee of visitors to be attached to the Institution, and that this Committee should be composed of large employers of labour in the vicinity of the Institution. They are of opinion that the selection for membership should be based more on ability to help the work of the Institution than on mere social or political prominence. They add that such a non-official agency should be supplemented as in the Western Countries by direct official agents, under the designation of parole officers. In view therefore that in regard to the after-care of juveniles, the recommendations of the Jail Committee may be considered.

✓ Borstal School 5527

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No.

18) Regarding the proposed
legislation, the consideration of the draft
bill will, if approved, be taken up, after
the main question of establishing the
Borstal Institute in the state is
decided.

BKR
7.4.37

19) Gen. Secy)
Please send this to the present I.G. for
favouring remarks - do

M
21.5

GENERAL SECRETARIAT
8 APR. 1937
1220

20) Forwarded with compliments
to the Inspector General of Police, for favour
of remarks.

U.C. No. P 188736.
dated 24/5/37.

~~No.~~
BKR Ramakrishna Aiyar
for Gen. Secy.
24.5.37

21) Returned with compliments:

I have read the Committee's report with
interest. It is pointed out therein that I would
have proposed Hassan as the site of the Institute.
The Committee has, however, proposed Bangalore. In
the circumstances, I may state the reasons that led
me to choose Hassan for the location of the Institute.
Besides the fact that some buildings exist there which

General and Revenue Secretariat	File No.	of 193 .	[App. F. IH—2
	Serial No.		could with alteration and extension be made suitable for the Institute, it was the fact that land fit for wet and dry cultivation as well as suitable for garden cultivation are available for acquisition at Hassan, there exists there an Agricultural School whose staff might give its services for the instruction of the inmates in agriculture while the climate of Hassan is particularly suitable for fruit cultivation. It may be true that the present Lock-up buildings would afford insufficient accommodation for 300 inmates, but there is no reason why those buildings should not be extended. The Committee has proposed a site in Bangalore near the new Mental Hospital. I have inspected the locality. There is a small strip of land between the Mental Hospital and the Lal Bagh running from South to North, with a small tank and some cultivable wet land. It is doubtful, however, whether this site would afford sufficient area for buildings, playing fields, garden cultivation etc. So far as I can see there is little scope for wet cultivation in the other areas about the new Mental Hospital, and the question of a suitable site in that locality has still to be investigated. Without fanatically pressing the claims of Hassan, I think that in view of the capital it is proposed to invest in the undertaking, it may be considered whether

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5527

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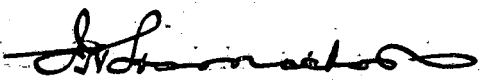
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it may not be cheaper for Government to take advantage of the existing buildings and, at any rate, estimate whether or no money can be saved by locating the Institute at Hassan, having in view the other facilities which exist there and which may be availed of for the purposes of the Institute.

Concerning the remainder of the Report, there is little that need be said: I am in agreement with the Committee in respect of its proposals. I would, however, add a note of warning ^{to} as the need of keeping the inmates under ~~close~~ confinement, they, as experience elsewhere has shown, being particularly liable to make a bid for freedom.

The Draft Regulation making legal provision for the establishment and regulation of the School, may be made into law as soon as is possible.


INSPECTOR GENERAL OF POLICE.

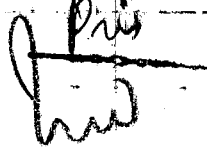
7-6-1937.

22) Reference para 19
BWR
10.6.37

Gen. Secy)

23) Reference minute dated 23/3/37 by the Fin. Member of Council on the report of the Borshe School Committee. The file

GENERAL SECRETARY
8 JUNE 1937



GENERAL SEC.
10 JUNE 1937

3403

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No.

15

was sent also to the G. P. O. Police, ~~the~~ Mr. J. A. Hamilton, who could not share in the deliberations of the Committee as at first intended. His remarks on the proposals of the Committee are found in paragraph above.

24) The main features of the recommendations made by the Committee are:

- Committee's
Recommendations
Page 6
- Page 8
- Page 8
- Page 13
- 1) That age 14 should be ~~treated~~
~~as~~ the age up to which an offender
is treated as a child and ~~eighteen~~ ~~as~~ ~~not~~ ~~up to~~ ~~which~~
he is treated as a young person;
 - 2) That persons up to these ages
convicted of offences punishable
with imprisonment should be
trained in a Borstal School;
 - 3) That the period of training
should be not less than three
years and not more than five
years;
 - 4) That the Borstal School in the
State be located in Bangalore
City, near the new Mental
Hospital;
 - 5) That the children's act which
elsewhere is a separate piece

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of legislation may here be put into the same piece of legislation as that dealing with the Borstal school.

- 6) ~~and~~ that there be ^{provision for} separate juvenile courts and the ordinary courts as such, in their absence;
- 7) that after-care ^{provision} for inmates be entrusted to the discharged prisoners and society.

Para 8

Para 9

The expenditure of the Borstal Institution is estimated as Rs 2.3 lakhs non-recurring and Rs 40000 recurring.

Para 7.

(5)

Mr Hamilton agrees with the recommendations providing only that his idea of locating the Borstal school at Hassan may possibly have some advantages as compared with that of having it at Bangalore.

VP

The proposals made seem suitable on the whole but I would submit a few points for consideration -

- 1 & 2) The Indian Jails Committee proposed the 14 years limit for "child" and sixteen years for "young person" considering the classes from which the majority of the offenders please

J. J. Committee's
Report
Para 364

Serial
No.

or nearby ages come sixteen years as the upward limit for young persons seems more suitable. To keep the limit at 18 years increases the number of persons who will require the special treatment provided by the new legislation. This treatment is costly; and, at any rate as a first step, 16 years may be adopted.

3) The Committee propose three years minimum and five years maximum training in a Borstal School. The idea being that a person is trained in the institution for citizenship, not merely for earning his bread, ~~the~~ training has to be fairly long. But if a person comes into the institution at 16 and is kept there for five years he is twenty one years at leaving. The training he is given is ^{aiming at an ideal and} it seems to be far in excess of what the non-criminal member of society gets. A proviso may perhaps be made that ~~no~~ ^a person shall ^{not ordinarily} be detained in a Borstal institution beyond the age

2. Committee
12/1/36 Para 8

Serial
No.

of eighteen and, in exceptional cases and for special reasons making longer detention desirable, nineteen years.

The Committee propose that the Bostil school be located at Blore and Mr Hamilton thinks that as some kind of building is available at Hassan and land for cultivation w^d be more easily available there that place may be more suitable. That the cost should be minimised is clear. Previous schemes in this behalf were dropped partly on the ground of expense. The building at Hassan which was a lock-up previously should perhaps be not used for the Bostil institution.

Committee's
Report. Para 3.

J. J. G. report
para 383.

The Hyderabad Committee thought this kind of arrangement undesirable. It is also stated that the building is old and would require much repair. On this point therefore Hassan need not be thought of.

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The other ground stated by Mr Hamilton is important. The institution will require large areas not only for school, dormitory, workshops and quarters but for the practice of cultivation. From this point of view some inland place would be more suitable than Bangalore. If it be not mind out of the way I would suggest the location of the institution at some point near Mandya where there is some waste land which will come under irrigation by the Triveni Canal. There would be no difficulty when numbers in the institution increase construction of buildings may also be less costly than in Bangalore.

This is also in accordance with the suggⁿ of Mr G. J. C. that such institutions should be placed in the country & not too close to large towns.

5) The Borstal Act and the children's act deal with ^{persons in} different circles and should perhaps be different pieces of legislation. However different from the atmosphere of a prison that of a Borstal institution may be. It still is an offenders' institution. A child's case is different from the

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No.

of an offender who should go to a Borstal institution and it is taken up by the law not for training but for protection. We may follow practice adopted elsewhere in this matter and have different pieces of legislation for the two purposes.

6) It does not appear difficult to have juvenile courts wherever there is a magistrate. The Indian Juile Committee seem to have thought that children should not have to go any distances for taking their trial.

As many magistrates as possible may be ^{constituted as juvenile courts and} given power to try children and youthful offenders. Benches of magistrates may be ^{in a} specially good position for dealing with children.

Pages 370 & 371

7) As the committee observe, after-care presents a serious problem as there is no voluntary activity ^{in this direction in the state,} of the kind found in Western countries ~~in the state~~. The Discharged Prisoners' Aid Society, when it is active, acts only in Bangalore City and perhaps in one

Page 9

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or two other places. It may be necessary to appoint persons to be probation and after-care officers in each local ^{and} ~~the~~ ^{their} ~~payments~~ from the public revenues.

If this is not done the good work of the training given in the Postal hostels will all be wasted.

27 The expenditure involved in the proposals of the Committee is very large. It seems to be desirable to start with a small institution and increase accommodation gradually. An institution for a hundred persons in the first instance would cost a less formidable amount. The buildings also need not be all puce from the beginning. Mud wall, jungle-wood rafters, and thatch need not perhaps be ruled out. The main (one or two) buildings might be in more civilized material and all the subsidiary structures made as cheap as is consistent with decency and comfort. Later additions may even be made with the labour of the inmates supplemented by grants.

If the institution is first designed for

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a hundred people the recurring cost
also will be less.

committee seem to recommend that
(2) the ~~separate~~ ^{be also} ~~children~~ / vagrants and neglected
children / ~~kept in the same~~
~~premises~~ as the Bristol School. This is not
desirable. Elsewhere there seem to be separate schools for them. It
may be desirable to have two or
three small institutions in central
towns for such children. The estimate in the
report does not seem to provide for
this class of children.

29. such time as provided
until the accommodation in the
Bristol School is sufficient for
requirements, the number of
offenders in excess who have to
continue in the ordinary jails
those to go to the Bristol School may
be selected with reference to their
history, the nature of their offence and
other relevant considerations.

30 Apart from the class of people who come under the Postal ~~and~~ law, it seems desirable to keep

Prison

JB

Borstal School ——— Report of Jee Committee

General and Revenue
Secretariat

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adolescent criminals in premises ~~designed~~
designed to separate them from more
confirmed offenders against the law.
If the idea of the jail at Mysore
being revived (separately sub for use)
is approved, it may be possible to
say that the Mysore jail may take
criminals in the earlier years of life,
committed of the less grave offences. ~~But~~
This is a different matter from that
dealt with in the report but the Indian
Jails Committee made a suggestion in this
regard in the same context. This matter
may however be examined separately.

For orders.

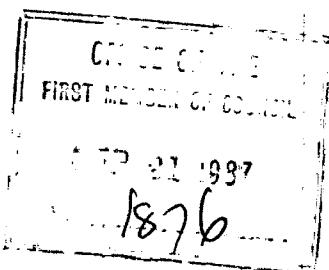
MD 17/9/37

BSR
22/9/37

First Member

31)

The proposal involves a non-recurring expenditure of Rs.2.35 lakhs, and a re-curring expenditure of Rs.40,000 and the entire question is therefore one of funds. When the Resolution relating to the establishment of Borstal Institutions was moved by Mr. Walden at the Legislative Council of December 1934, I replied on behalf of Government



Prisons
Borstal School — Report of the
1587
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Secretariat
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Government to the effect that "Government are very earnest about starting this school for youthful offenders, and the only difficulty that has hitherto been in the way is finance. But I hope Government will be able to find the necessary funds to finance this scheme at as early a date as possible."

Serial No.

32) While there can be no two opinions about the imperative need for an institution of this kind, it has to be stated that the financial aspect of the proposal cannot be lost sight of in the present financial condition. Perhaps it might be reasonable to make a ^{small} ~~fair~~ beginning. The question may therefore be referred to the Finance Department for opinion, and in the meanwhile the Report may be published for eliciting public opinion.

33) The draft bills sent by the Com^{ee} may be examined in the Law Section so that it may be ready for introduction as soon as a decision is arrived at

Jon
11/11

hw
(12/11/37)

DEWAN'S OFFICE
 13 NOV. 1937
 No. 3053

BKR
12.11.37

Dewan

Ind' de Secy
Secd member

34) *hw*
13-11-37

hw
17/11
BKR
15.11
BKR
16.11

OFFICE OF THE
 SECOND MEMBER OF COUNCIL
 13 NOV. 1937
 No. 3702

35) *hw*
16/11/37
hw
18/11/37
BKR
16.4

PRISONS

Borstal School — Report of the Committee

General and Revenue
Secretariat

File No. 18

of 1936.

[App. F. III-2]

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No.

32) Draft G.O. is submitted appb.
28/11/37 C Me draft bill has been detached
for being examined separately
for consideration. After issue of G.O.
The file will be submitted to the Fin. Secy.

24.11.37

38 Gen. Secy)
Despatched to Gen. Secy
30/11/37

30.11.37

39 D.F.N. is submitted for appb.
30/11/37.

Gen. Secy) 1/12/37

1.12.37

First member)

40 for
2/12/37

8.12

Dewan)

placed in the
file

GENERAL SECRETARY
24 NOV 1937

GENERAL SECRETARY
1 DEC. 1937
3050

OFFICE OF THE
FIRST MEMBER OF BOARD
3249

3777

26

41

Final Note by the First Member of Council.

Subject:—

—◆—

Report of the Committee constituted for examining
the question of starting a Borstal School in the State.

—◆—

K. 9j His Highness was graciously pleased to approve of the
proposal submitted in my Final ^XNoted of the 16th April 1936 to
constitute a Committee to examine the desirability and feasibility
of establishing a Reformatory or Borstal School in the State and
to make suitable recommendation ~~for~~ starting a Borstal School in the
State.

A The Committee which was accordingly constituted, has
submitted a ^Xreport together with a draft bill necessary to give
effect to the proposals.

B It is proposed to have the draft ^Xbill examined separately
and in the meantime, to publish the report of the Committee for
eliciting public opinion in the matter. The Dewan and the Second
Member of Council agree.

The report is now submitted for His Highness' gracious
perusal.

Shri Jagannath

MEMBER OF COUNCIL. —

Bangalore,
8th December 1937.

27
Submitted to His Highness.

42

I submit herewith a Final Note by the First
Member of Council on the subject of the Report of the
Committee constituted for examining the question of start-
ing a Borstal School in the State
for His Highness' gracious ^{perusal.} ~~approval.~~

Bangalore,
8th December 1937.)

Mirza M. Ismail
Dewan.

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

Report of the Committee constituted
for examining the question of starting a Borstal
School in the State.

Chief Secy
Hd
12-12-37

4/5

Order.

~~KRW~~
10/12/37

328

MS
13.12.37

1557 29
H. H. 318

SUBJECT :—

*Report of the Committee
Constituted for examining the question
of starting a Normal School in
the State.*

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (Vide Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

M. M. M. M.

Chief Secretary to Government.

Through the Secretary to Government,
..... Department.

3547
14/12

FIRST MEMBER OF COUNCIL.

SP
14/12

SECOND MEMBER OF COUNCIL. (Not in session)

Under Secy (Prtg)

MS
14.12.37

do
14/12

BSA
14/12

Prison
Bonstal School.

30

General and Revenue
Secretariat

File No. 18

of 1936

[App. F. III-2]

Serial
No.

44

of approved, the draft G.O. ^{will} ~~may~~
issue now.

2
14/12/37

BMR
15.12.37

Gen. Secy)

45

for perusal of paragraph 2
of dt before issue. It is proposed
to give time till 1.2.38 for public criticism. And

16/12

BMR
16.12

Int Member)

46

dt before issue.
a notice calling for opinions
may be drafted

17/12

17/12

BMR

Issued G.O P 3333-6 dated 31.38

47) Inform that. ^{Suppression regarding} ~~the subject~~ ^{concerning} the
Opinion of the public on the report
have been embodied in the f.o. already
issued. It is for order if a
separate notice is necessary.

2

5/1/38

6.1.38

48) In view of Para 1 of the
lfo., no separate notice seems
necessary.

BMR
6.1.38

Gen. Secy (19)
A notice may
be drafted

50)

Draft

Notice is
submitted

for consideration

and by 1/38.
1/7/38

21/1/38

GENERAL SECRETARY.

15 DEC. 1937

3456

WORKING SECTION
01 DEC 1937

Draft still in
in Reg. Secy

GENERAL SECRETARY.

6 JAN. 1938

3807

NOTE—Contn. Sheet.

2/1/38

2/1/38

31

Prusms

1287

Borstal School — report of the Committee

P.M. File No. 18

of 1936

General and Revenue
Secretariat

52) Fair draft is submitted for appl.
Gen Secy.)

81/1/38
1/8/38

53) In what part of the Gazette w^d this appear?

Please let me see the wording used
in some similar case in the
past. Ind 87438.

Ind
8-1-38

54) The Notification will be published
in part III of the Gazette as is
usually done in such cases

Notice given to the public in
similar reports is put up (flag m) in the linked file.)
~~to be published in the Gazette as is usually done in such cases~~
~~to be published in the Gazette as is usually done in such cases~~
~~to be published in the Gazette as is usually done in such cases~~

2
18/1/38. (copy m)

55) Draft Notif. on similar lines
is submitted for appl.

Ind Gen Secy)

56) Ind 10/1
10/1/38

57) Ind 10/1

Issued Notif. No P4066
dtd 11. 1. 1938.

GENERAL SECRETARY

8 JAN. 1938
3857

There are 400 copies
of the report available
in your office. It is a
small report, consisting
of 4 pages. It
is proposed to give
it free if any one
asks for it.
Ind flag S is
10-1. A copy of
the report

GENERAL SECRETARY
17 JAN. 1938
Sub B 3869
11/1-2-1938

Presims - Borstal School

Suggestion for the public - ~~1938~~

General and Revenue
Secretariat

File No. _____

of 193 .

[App. F. III-2]

Serial
No.

Letter dated 26th Jan'y 1938 from Mr. V.S. Ramachandra Rao, Assistant Master, Govt. High School, Malleswaram Bangalore, suggesting that the Supdt. of the proposed Borstal School should be an educationalist instead of a medical officer.

59) Submitted for kind perusal. The suggestion will be taken up for consideration in due course.

29-1

BKR
29-1

28/1/38
H.S.
29-1-38

For Letter dated 31 / 1 / 1938 from the Secy, Civil Service Commission, Bangalore. It is stated that in the absence of the draft Regulation it is not possible to offer detailed suggestions and that the minimum period of Borstal sentence might however be reduced to one year.

60) The draft bill (relating to the Borstal School Act) will be published after the proposals are considered.

Submitted for kind perusal. The suggestion will be ~~later~~ considered in due course.

(1) BKR
22-38

2/2/38
H.S.

NOTE—Contn. Sheet.

Spus B
Will 2nd Feb'y 38

Spus B
10th Feb'y 1938

33

Prisms 4653 Borstal School Committee Report

Pris File No. 18

of 1936.

General and Revenue
Secretariat

Letter dated 1. 2. 1938 from Mr. G. R. Suryanarayana, Sheshadripuram Bangalore suggesting that the proposed school may be located at Hassan & that the Super may be an educationist and the other two teachers may be graduates.

Letter dated 7th Feby 1938 from the Home Sec., The Mysore Civic & Social Progress Association, Bangalore forwarding the suggestion of the Assoc. in the matter.

(2) The several suggestions received in the matter are tabulated in the Statement placed below. Of all the suggestions those made by the Civic & Social progress association seem to deserve some consideration and they may perhaps be adopted.

Submitted for orders

(3) In response to an

notification inviting suggestions, two gentlemen and two associations have forwarded their suggestions.

2
18/2/38
56

34

Serial
No.

Their suggestions are tabulated in the statement headed M.

(64) Messrs. V. S. Ramechandra Rao and G. R. Suryanarayana suggest that the Superintendent must be an educationist as everything must conform to an school aspect of the institution.

(65) The Civil Liberties Union Mysore, suggests that the minimum period of borstal sentence may be reduced from three years to one year. But they seem to forget that within the short period of one year, the inmates cannot receive adequate training which will enable them to lead an honorable and useful life later on.

(66) The Civic and Social Progress Association suggests, among other things, that training may be given in spinning and weaving, that there should be no separate cells and that the Board of Control of the institution should consist of official and non-official members. Regarding the suggestion that there should be no separate cells, I may observe that the proposed institution is intended to accommodate 300 boys.

35 Exh of ^{Prisons} a Borsal School 4653

Pris File No.

18

of 1936.

General and Revenue
Secretariat

that for this purpose 12 dormitories,
each to accommodate 25 boys are
proposed. The 25 separate cells seem to
have been proposed, not for the ordinary
accommodation given in mates, but probably
during the time of some illness or
punishment. Regarding the other
courses of training proposed by the
Association, it is a matter of detail
depending upon the finances at the
command of the Institution.

67) The Draft Bill is
being examined in the Legislation
Section.

68) The File may be
referred to the Finance Department
for opinion, as previously ordered.

15 MAR

15.3.38

69) Gen. Secy) Yes - This shd have
been done earlier

Ind

2873

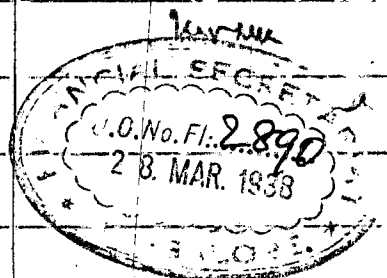
70) Reference - 1st Member's minute Para 32

15 MAR

28.3.38

Fin. Secy)

GENERAL SECRETARY
16 MAR 1938
5258



Serial
No.

Jc2890

71) From the forecast of the Budget estimates for 1938-39, it will be seen that the Revenue account of the next year is likely to result in a large deficit, even after taking into account the savings of about Rs 5 lakhs on account of the partial remission in the subsidy and ignoring provision for new schemes or new items of expenditure. The intention of Government is that all possible attempts should be made to present a balanced budget for the next year.

72) The present scheme involves a non-recurring expenditure of Rs 2.35 lakhs and a recurring expenditure of Rs 40,000/- It is obviously impossible to provide funds for this scheme in the next year's budget when there are more pressing demands for the several nation-building departments requiring provision. If necessary, the question may be noted for consideration at the final budget time and in the meantime a cheaper scheme to serve a small beginning may be worked out.

73)

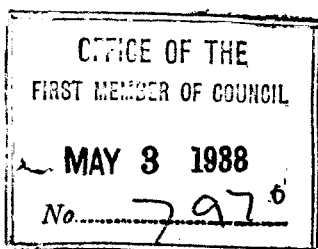
For renewal. What amount ^{2/5/38} can be provided for the scheme may be decided at final budget time as suggested above. When this is decided a scheme within the provision may be put. ^{3/5} ^{2/5/38}

First member

WD 0284—GPB—30,000—13-9-37

74) 10/5

75) To be decided for favouring
not to be making provision ^{9/5} ^{10/5} ^{10/5}



37 Paris
Estb of a Postal School

File No. 18

of 1936.

General and Revenue
Secretariat

76) This was included in the list of items for consideration at Budget time but at the Council Meeting on 11.5.38 it was found not possible to make any provision for this in the next Budget.

18.5.38
7.7.38 BKR
20.5

Gen. Secy) 78)
21/5

BKR
23.5

79) Kind reference is invited to the 19 Members' orders at para 33 of the notes supra. It is for order if in view of the orders of the Fund. Secy at para 76 of the notes above, action has to be taken regarding the introduction of the bill.

28/5
BKR
80) In view of the decision of the Council (as mentioned in para 76 supra), the question of introducing the Bill may lie over for the present.

Gen. Secy

BKR
23.5.38

GENERAL SECRETARY
20 MAY 1938
6962

GENERAL SECRETARY
23 MAY 1938
6983

6902-237 Prisons
Borstal School Bill

3.
38

General and Revenue
Secretariat

Pris File No. 18

of 1936.

[App. F. III-2

Serial
No.

1) Legislation in respect of the Bill will take about a year. A ^{clause} ~~section~~ may be mixed in the Bill empowering Govt to bring the Act into force from a future date by Notification. The Act may be brought into force when the finances permit of the introduction of the scheme. The Bill may be placed before the R.A. at the Darana Session if approved.

1st Member)
Dewan)

6
23/5/38

Maybe put - ^{BR} 24.5
up next August

SM
25/5

2) Ms
25-5-38

6 26/5/38

^{BR}
27.5

GENERAL SECRETARY

1 AUG. 1938
628

OFFICE OF THE
FIRST SECRETARY
AUG 2 1938
1035

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

2 Submitted.

11/8/38.

55) Reference - 1st Member's minute in para 82.

Gen. Secy) ^{BR} 1.8.38
^{BR} 2.8

86
A. Jaeger - Reception action may be taken - Such as prepn of 92 Principles etc

Desam
not right
74 Member
in charge
4/8

SECRETARY'S OFFICE
25 MAY 1938
8146

6671
24/5-

~~S. D. 102~~
19 Aug 38

39

Barstal School
Jaffar's Bill.

6902

File No.

of 193 .

General and Revenue
Secretariat

87) Subd. under the words of
Madras Children Act
and Madras Barstal Schools
Act.

88) The note already put
up on the clauses of
the Bill is subd. for
orders. After orders
on the points raised
in the note, the st.
of general principles
will be put up.

See
9/8/38.

Subd. for orders

It is

please see
original remarks

Box

89) The bill is based
on the provisions contained in
the Madras Children Act 1920, the
Bombay Children Act 1924 and
the Madras Barstal Schools Act 1925.
The bill makes provision for the
detention of youthful offenders as also
other children and young persons not
being youthful offenders.

90) While defining in
expression 'Barstal School' in clause 2 (5)

241

Serial
No.

the words 'children, or young persons or' may be added before the words 'youthful offenders'.

91) clause 5 :- The words 'Prisons Act 1870 and' may be added before the words 'the Mysore Prisoners Testimony Act' ;

92) In the last line of the clause the words 'youthful offenders' may be substituted for the word 'inmates'.

clause 7 (2) :-

93) The words 'brought before him or' may be added before the words 'tried by him'.

94) clause 12 :- The 2nd proviso to the said clause may be omitted in view of the amendment proposed to clause 46.

95) clause 14 :- This seems unnecessary in view of clause 15.

96) clause 25(3) :- The word 'Seventeen' may be substituted for the word 'Sixteen' in the last line.

97) clause 29 (2) :- The words 'or the term for which the child or the young person was ordered to be detained in the school has expired' may be added after the word 'expired'.

Q1

File No.

of 193

General and Revenue
Secretariat

Serial
No.

98) clause 46 :- In substitution
for the existing clause, the following
(Corresponding to Section 22 of the
Madras Children Act) may be
enacted.

"Notwithstanding any-
thing to the contrary contained
in any law, no child or young
person shall be sentenced to
death, transportation or imprison-
ment or committed to prison
in default of payment of fine
or in default of furnishing security;

provided that a child
or young person may be sentenced
to imprisonment not exceeding
ten years or committed to prison
as aforesaid where the Court
certifies that he is of so unruly
or of so depraved a character
that he is not a fit person to
be sent to a Borstal School
and that none of the other
methods in which the case may
legally be dealt with is
suitable "

1697/238
P

Barisal School Bill

41

General and Revenue
Secretariat

File No.

of 193

[App. F. III-2]

Serial
No.

99) clause 48(3) :- The word
'teacher' may be added after the word
'parent'.

100) clause 49 :- The present clause
may be numbered as sub-clause (1)
and another sub-clause (2) may be added
as follows (Corresponding to Section 10(2) of
the Bombay Children Act) :-

"The Government may by
notification in the Official Gazette exempt
from liability to punishment under
this Section any class of persons in
any district or place where this
Act may be in operation."

10 SEP. 1938
1564

BXR
10.9.38

Gen. Secy) Please make
these changes

in pencil + put up the
12/9/38.

102) Necessary changes have been
made in pencil

BXR
13.9.38

103) Gen. Secy) The bill is submitted

approval. 15/9/38

104) The bill is submitted
for the session of the
Legislature. 15/9/38
This bill is submitted
for the session of the
Legislature. 15/9/38
Bxr 15/9/38

GENERAL SECRETARY
13 SEP. 1938
1610

NOTE-Contn. Sheet.

✓

1697

Borata 2 in

File No.

of 193

General and Revenue
Secretariat

Serial
No.

105 Subd. with a proposal
of a set of general
principles

9th R. & agenda has
it is ascertained been
issued to-day

But a Bill can be
taken up in the R. A.
if the set is sent
to the min. at least
10 days before the
date on which it is
taken

Subd. for orders

16/9/38
19/9
19/9

106

St. of general principles

Pleaser this type

now

BRK

16.9

107 24 Feb. Draft Subd.

19/9
19/9

108 for approval

AKR

19.9

Gen. Secy

109 Ref. minute on last page.

The statement of general principles is
put up. If approved even as 24th
it can come up at the Assembly on
the 5th Oct. But as there is no money
in the budget this year for doing

GENERAL SECRETARY

19 SEP 1938

1788

157 43
Barnhill School R.M.

General and Revenue
Secretariat

File No. of 193 [App. F. III-2]

Serial
No.

Anything in this connection and the
earliest that any active steps can be
taken is July 39 ~~then~~ and next
legislⁿ can be passed through the R
C at the end of the current year
There is perhaps no need to hurry
this legislation now. As the member
was pleased to say another file the
there is enough legislⁿ work on the ag
already this ~~may~~^{will} be deferred if considered

3140
21/9

Ind
20/9
OKR
20-9

His L Member
(10)

The legislation
will require some time. This may
be placed before the Darara Sessa
It is more or less a non-controversial
measure. The bill need not be
printed now -

S/O
21/9
Br XXX Ind
21/9
OKR
21/9

24/9 session
for making
4 copies of

III)

yes

Subs for sundries if copies
It is ST. may be made and
to R. A office before D. 7. 000
put up. Yes

NOTE-Contn. Sheet.

3 copies taken
BRM
24/9.

21/9/28.
To R. A office -
20/9.

OKR
21/9

62

all

Juvenile Bill

1697

File No.

of 193

General and Revenue
Secretariat

Serial
No.

11. ✓ This is a revision matter

[A D 2-10-38, 1-10-38, 1-10-38]

See in table for order

22/9
mm

OK'd

22/9

OK'd

113. 1st Secy

(Gen Secy)

MS

22/9/38

Belonged

114. Secy Member

24/9/38

115. 1st Member

24/9

GENERAL SECRETARY

22 SEP 1938

1857

SECOND MEMBER

23 SEPT 1938

No. 2206

Submitted to His Highness.

K 146 On 10th December 1937 His Highness was graciously pleased to
X approve of the proposal to publish the report of the Committee consti-
tuted for examining the question of starting a Borstal School. The,
L X report was published and opinions invited. A few suggestions were re-
ceived, which were generally in favour of the Bill, proposing some minor
amendments. The question of providing funds for starting the scheme
was considered and it was found not X possible to make any provision for
this in the Budget for 1938-39. It is, however, considered desirable
to proceed with the legislation taking power to bring the Act into force
from a future date when finances permit.

M 117 The Bill has been examined and it is proposed to place the
N X general principles of the Bill before the ensuing session of the Repre-
sentative Assembly and introduce the Bill in the Legislative Council in
due course.

118) The proposal has been agreed to by the Second Member of Council
and I solicit the gracious approval of His Highness to the proposal.

S. Majagopal

Camp: Mysore,
25th September 1938.

FIRST MEMBER OF COUNCIL

in charge of the current duties of the De

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

The Mysore Juveniles Bill.

121) Chay Jay
MS
29.9.38

No. 213

120)

Order.

~~KRW~~
27/9/38

122)

MS
27.9.38

H H 212

123)

SUBJECT:—

The Mysore Juveniles Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (Vide Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

M. S. Ramiah
Chief Secretary to Government.

Through the Secretary to Government,
General Department.

27/9/38

124)

FIRST MEMBER OF COUNCIL.

SM
28/9

2260
28.9.38

125)

SECOND MEMBER OF COUNCIL.

mm
28/9/38

126)

Gen. Secy. with Compliments.

MS
28/9/38

29/9

29.9

1077
Juvenile Bill

General and Revenue
Secretariat

File No.

of 193 .

[App. F. III-2]

Serial
No.

127

Sulew. with the proceedings of
the R. A. on the Bill.

The general principles
were accepted by the R. A.

128

A

The set of general
principles will, if appro-
priate, be adopted as the set

of objects and reasons
with slight modifi-
fications as indicated
in the draft for approval

Sulew. for inclusion in
the Bill and the set of
objects & reasons may
be published under rule
8 of the L.C. Rules.

see
15/11/38.
done

with regard to it please submit
to Mr. Secy Law & then submit
by
15/11

done
15/11

Asst Secy
Law

129

The draft of the

statement of objects and reasons ~~may be~~
seems all right.

done
15/11

Under Secy
We.

done
17/11/38

D. 841/L.C.
 1697
 1697

File No.

of 193

General and Revenue
 Secretariat

130) If approved, this will be published
 under Rule 8 of the Rule & Business of
 the member &
 Dewan)

131) JPL
 17/11
 18/11

3517
 4959
 17/11/38

132) 132
 19-11-38

133) To L.C. office with 3 copies
 of the Bill & st. of objects &
 reasons

OFFICE OF THE SECRETARY
 28 NOV. 1938
 REPRESENTATIVE ASSEMBLY
 AND
 LEGISLATIVE COUNCIL

see
 28/11/38
 Three copies taken and the file
 gets to Prot. B?)

29.11.38
 29.11

134) The Bill has been published.
 The following motions are submitted
 for approval.

(A) motions that the Bill be
 read in council,
 mover: First Minister
 Second: Gen. Secy

D.1021/2e-

Jennish Bill

General and Revenue
Secretariat

File No.

of 193 .

[App. F. III-2]

Serial
No.

JAN 5 1939

5381

(b) In view that the Bill has
referred to a select committee
- In view: First member
Second: Sec. Sec.
Sec. Sec. for orders.

Sec
5/1/39
BMM

1/80-member

leg
5.1.39

(35)

leg
5/1/39

(136) L.C. office for note & return
leg
5/1/39

Noted & returned.

BMM
10.1.39.

Prot. Secy
B. 11.1.39

OFFICE OF THE SECRETARY
LEGISLATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL.

(137) At the recent meeting of the L.C. this Bill was referred to a
Select Committee consisting of the following members.

- (1) First member of Council (Chairman)
- (2) Mr. Yeshodhara Dasappa
- (3) Mr. T. Ramachandra
- (4) Mr. H. Siddaiah
- (5) Mr. R. Chennigaianniah
- (6) Rajaswamyswami B.T. Desai.

Income Bill.

File No.

of 193

General and Revenue
Secretariat

7. Rajawarsakha B. K. Narayana Rao
8. Mr. E. G. McAlpine.
9. Mr. M. N. Lakshminarasappa.

Two of the members Mr. Yeshodhara Dasappa and
Mr. H. Siddaiga have since resigned from the d.c.
and cease to be members of the Committee.

The meeting of the S.C. is fixed for the 24th March 1939.

A short note is submitted. (TWC)

Issued P. 4942 dated 17th March 1939 to the members
of the S.C. P.A. to Mr. Member, L.C. Mr. and S.B.

The meeting is for tomorrow

(80 members)

23.3

138)

The Select Committee met on the 24th March 1939 and

went through all the provisions of the Bill.

A draft report is submitted for orders.

3.4.39
JMK

Flag A

Issued D.O. No P 5732-7 dated 29.4.39 to the
members who attended with copies of report.

139) Replies have been received from all the members.
Sent for orders if the report may be sent to the
d.c. Office for publication The Government

6-187
P

D.1731/De
Juveniles Bill. 1697

General and Revenue
Secretariat

File No.

of 193 .

[App. F. III-2

Serial
No.

Advocate has made a number of suggestions. They were not included in the report as they are errors in printing or Verbal Corrections. They will be attended to.

140)

one
15.5.39 When editing the bill after it is finally passed.

may be published

by
15.5

141)

To the L.C. Office with three copies of the report of the Select Committee for further action.

one
15.5.39.

3 Copies taken & file returned.

BVN Proctor Gr;
15/5/39. 15.5

142)

The report of the Select Committee was published in the Gazette of the 18th May 1939.

The following motions are submitted for inclusion in the agenda of the L.C.

1. Motion that the report of the Select Committee and the Bill as amended be taken into consideration

Mover - 1st Member

Secunder - Law Secretary

2. Motion that the Bill as amended be passed

Mover - 1st Member

Secunder - Law Secretary.

one

13.6. WD 0544-GPB-80,000-2-9-83

2nd Member)

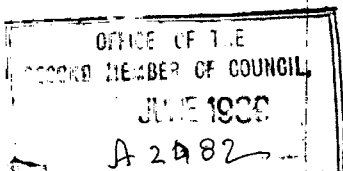
6
13/6

143)

144/6

6/14/6

6/14/6



NOTE—Contn. Sheet.

6987+

Juveniles Bill

File No.

of 193

General and Revenue
Secretariat

144) The Bill as amended by the Select Committee has
been passed by the Legislative Council at its
next sitting.

A. D. F. N. & put up for order.

one
28.6.39
M.H.

Box R
28.6

Law Secy)

401
28/6

145) Add with a D.F.N.

18 Member)

7. 12. signed by Member.

6-28/6/39

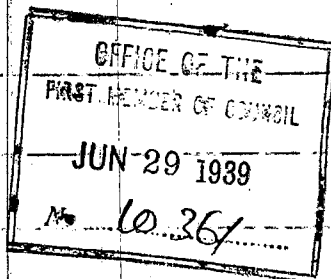
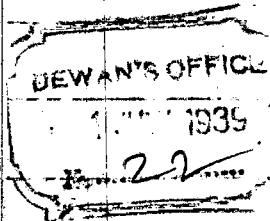
AB
28/6/39

Box R
28.6

146) S. R. Subramanian
Dewan)

6-30/6

Box R
30.6



Final Note by the First Member of Council.

147)
Subject.—

Promulgation into law of the Mysore Juveniles Bill.

C
The gracious sanction of His Highness was accorded on 27th September 1938 to place the general principles of the Juveniles Bill before the Representative Assembly and to introduce the Bill in the Legislative Council. The general principles were accepted by the Representative Assembly at its Dasara - - session of 1938. The Bill was thereafter introduced in the Legislative Council in January 1939 when it was referred to a Select Committee. The Bill as amended by the Select Committee came up for consideration before the Legislative Council at its recent session and the Bill as amended by the Committee was finally passed by it.

Para 127
of 1938.
+ Para 134 at
7205
A
Para 144 of
Notes

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

Bangalore,
30th June 1939.

N. M. S. S. S. S.

MEMBER OF COUNCIL.

168)
Submitted to His Highness.

*I submit herewith a Final Note by the First
Member of Council on the subject of promulgation
into law of the Mysore Juveniles Bill*

for His Highness' gracious approval.

Bangalore,
30th June 1939.

Mirza M. Ismail
Dewan.

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

Promulgation into law of the Mysore
Juveniles Bill.

Chief
Mr.
4.7.39

NO 4.

Order.

~~KRW~~
3/7/39

MS
4.7.39

150

SUBJECT:—
*Proclamation into Law of the Republic
Juveniles Bill.*

(*)
31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.
33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.
34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (Vide Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Misra
Chief Secretary to Government.

Through the Secretary to Government,
...*Law*...Department.
Ca

112
57-39

FIRST MEMBER OF COUNCIL. *Recd*
6/7/39

177
57-39

SECOND MEMBER OF COUNCIL. *Recd*
57
Law Secretary

Ca 6/7
11/5
57-39
6/7

Serial
No.

151)
The previous assent, His Highness was accorded on
3.7.39 to promulgate the Bill into law.

Subd. with a draft G.O. directing publication of the
Act as Act no XIV of 1939

27.7.39
8.7.
mm

Secretary)

151) 3/97

687

1077

Joint G.O. of 20.7.39 3-39-1 D 12.7.39.

The Act has been published in Pt IV of the Gazette
of today (27-7-39)

Rules have to be framed under the Act and
Notification also has to issue under section 1(2)
as to the date from which the provisions of the Act
will come into force.

The file with it approved be sent to the ^{Prisons} ~~Police~~ Secy.

In note and forwarding action

27.7.39
mm

Secretary)

151) 3/97

(Prisons Section)

Submitted

Further action has been taken in the
matter will have ^{to depend wholly} ~~is whole~~ dependence on the
~~proposed~~ availability of funds to
be provided for implementing the proposals
contained in the report of the Committee

P.S. No. 2/39-40.

Prisus

Report of the District School

Committee

General and Revenue
Secretariat.

File No.

of 193

Serial
No.

If approved ~~the proposals for the establishment of a school, may be taken up for consideration after funds are made available and orders on the report, passed through.~~

~~Submitted for orders this aspect~~

29/7/39 with an annexed report
+ the legis file closed

Dom
29/7
31

Box
31-7

B Pass 8/8

21/7/39

NOTIFICATION.

No. P. 207—Legis. 5-39-1, dated Bangalore, 12th July 1939. *the /*

Ordered that the accompanying Mysore Juveniles Act which received the assent of His Highness the Maharaja, on the third day of July 1939 be published as Act No. XIV of 1939, in the *Mysore Gazette* for general information.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department. *inf*

ACT XIV.

MYSORE JUVENILES ACT. *of 1939 /*

(/ cc/ to Rpt *Received the assent of His Highness the Maharaja of Mysore on the third day of July 1939. ^* *8 >/*

cap. *Whereas* it is expedient to make provision for the Preamble.
custody, trial and punishment of youthful offenders, for the establishment and regulation of Borstal Schools, for the detention and training of youthful offenders, and for the protection of children and young persons in Mysore;
cap. It is hereby enacted as follows:—

PART I.

1. (i) This Act may be called as the "Mysore Juveniles Act 1939." *Short title and extent.*

(ii) The Government may, by notification in the official Gazette from time to time, apply the whole or any portion of this Act to children, young persons or youthful offenders or any class thereof in any local area in Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

2. In this Act unless there is anything repugnant in the subject or context— *Definition.*

(i) "Child" means a person under the age of fourteen years and when used in reference to a child sent to a Borstal School applies to that child during the whole period of detention, notwithstanding that the Child attains the age of fourteen years before the expiration of that period;

(ii) "Young person" means a person who is fourteen years of age or upwards and under the age of eighteen years;

(iii) "Youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment or who, having been ordered to furnish security under Section 118 of the Code of Criminal Procedure, 1904, has failed to do so and who, at the time of such conviction or failing to give security, was under the age of eighteen years;

(iv) "Guardian" in relation to a child, young person or youthful offender includes any person, who in the opinion of the court having cognizance of any case in relation to the child, young person, or youthful offender or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender;

(v) "Borstal School" shall mean a corrective institution established or established under the Act wherein children, young persons or youthful offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(vi) "Inspector-General" shall mean the Inspector-General of Prisons and shall include any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General;

(vii) "Prescribed" means prescribed by the rules under this Act.

Establish-
ment of
Borstal
Schools.

3. (i) For the purposes of this act, the Government may establish one or more Borstal Schools or may recognise any institution considers fit for the reception of youthful offenders, young persons or children as a Borstal School.

(ii) For every Borstal School, the Government shall appoint a Superintendent and a Committee of Visitors.

Rules.

4. (i) The Government may from time to time, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

(a) the control and management of Borstal Schools established under this Act,

(b) the appointment, powers and duties of officials in such schools,

(c) the constitution, powers and duties of visiting committees,

- (d) the classification, treatment, maintenance education, industrial training and control of the inmates,
- (e) the temporary detention of youthful offenders until arrangements can be made for sending them to Borstal Schools,
- (f) visits to and communication with the inmates,
- (g) the class of persons who may be authorized under section 24 (i),
- (h) removal of articles which are deemed to be "prohibited articles" when introduced without due authority,
- (i) the penalties to be imposed for the supply or possession of such articles when possessed or supplied without due authority,
- (j) the punishment or offences committed by youthful offenders,
- (k) the granting of licences for the employment of youthful offenders.

(3) All rules made under this Act shall be published in the official Gazette.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, Prisons Act, 1870, and the Mysore Prisoners' Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and the youthful offenders prisoners.

Application
of the Mysore
Prisoners'
Testimony
Act, 1894.

6. The powers conferred on courts by this Act shall be exercised only by—

Courts
empowered
under this
Act.

- (a) the High Court,
- (b) a Court of Session,
- (c) a District Magistrate.
- (d) a Sub-Divisional Magistrate.

(e) any Magistrate of the first or second class specially empowered by the Government to exercise all or any of such powers.

(f) any Juvenile Court constituted under subsection (1) of section 27

and may be exercised by such courts whether the case comes before them originally or on appeal or in revision.

Procedure
when Magis-
trate is not
empowered
to pass
sentence
under this
Act.

7. (i) When any Magistrate not empowered to pass sentence under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be detained in a Borstal School, he may, without passing sentence, record such opinion and submit his proceedings and forward the child or young person to the District Magistrate to whom he is subordinate or to the Magistrate presiding over the nearest juvenile court having jurisdiction in the case.

(ii) The District Magistrate or the Magistrate presiding over the juvenile court to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such child or young person had originally been brought before him or tried by him.

PART II.

YOUTHFUL OFFENDERS.

Bail of
children,
and young
persons
arrested.

8. Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of police station to which such person is brought shall release him on bail if sufficient surety is forthcoming, unless, for reasons to be recorded in writing, the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reputed criminal.

Custody of
children
and young
persons not
discharged on
bail after
arrest.

9. Where a person apparently under the age of sixteen years having been arrested is not released under section eight or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner until he can be brought before a court having jurisdiction under this Act.

Remand or
committal
to custody.

10. A court on remanding or committing for trial a child or young person who is not released on bail shall order him to be detained in the prescribed manner.

Attendance at
court of
parent of
child or
young person
charged with
an offence,
etc.

11. (i) Where a child or young person is charged with any offence or is brought on an application under section 24 before a court having jurisdiction under this Act, his parent or guardian may in any case and shall, if he can be found and resides within a

reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(ii) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(ii) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person: provided that if that person is not the father, the attendance of the father may also be required.

(iv) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

12. Where it appears to a court having jurisdiction under this Act that a youthful offender should, by reason of his criminal habits or tendencies or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the court, in lieu of passing a sentence of transportation or imprisonment, to pass a sentence of detention in a Borstal School for a term which shall not be less than three or more than five years:

Power of
Court to pass
sentence of
detention in
Borstal
School.

Provided that before passing such sentence, the court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

13. Any person detained in a Borstal School for failure to furnish security when ordered to do so under Section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under Section 124 of the Code.

Limitation
on powers
conferred by
Section 12.

Power of
Inspector-
General to
transfer
prisoners to
Borstal
School.

14. The Inspector-General may, subject to rules made by the Government, if satisfied that any youthful offender undergoing transportation or imprisonment in consequence of sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal School, direct that such person shall be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act there shall upon apply to such person as if he had been originally sentenced to detention in a Borstal School.

Preliminary
inquiry and
findings as to
age of youth-
ful offender.

15. (i) Before passing a sentence under Section 12, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

(ii) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under Section 12 before submitting his proceedings and forwarding an youthful offender to the District Magistrate or to the Magistrate presiding over Juvenile Court having jurisdiction in the case as required by sub-Section (1) of Section 7.

Period of
detention.

16. The order in pursuance of which a young person or child is sent to a Borstal School shall specify the time for which the young person or child is to be detained in the school being—

(a) in the case of a young person not less than three and not more than five years but not in any case extending beyond the time when the young person will, in the opinion of the court, attain the age of twenty-one years.

(b) in the case of a child such time as the court may deem proper for the teaching and training of the child but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of seventeen years,

Power to
discharge
youthful
offender or to
commit him
to suitable
custody.

17. A court may, if it shall think fit, having regard to the age, character, antecedents, physical or mental condition of the offender, instead of directing any youthful offender to be detained in a Borstal School, order him to be—

(a) discharged after due admonition or,

(b) committed to the custody of his parent or guardian or any adult relative, on such parent, guardian or relative executing a bond with or without sureties as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months.

And the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

18. (i) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall, if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to order parent to pay fine, etc., instead of child or young person.

(ii) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(iii) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

19. (i) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provision of this Act it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

Detention in the case of certain serious crimes committed by children or young persons.

(ii) Notwithstanding the provisions of section 12, the Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

Methods of dealing with children and young persons charged with offence.

20. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

(a) by discharging the offender after due admonition ; or

(b) by committing the offender to the custody of his parent, guardian, or any adult relative, on such parent, guardian, or relative executing a bond to be responsible for his good behaviour ; or

(c) by so discharging or committing the offender and placing him under the supervision of a person named by the court ; or

(d) by sending the offender to a Borstal School ; or

(e) by ordering the offender to be whipped ; or

(f) by ordering the offender to pay a fine ; or

(g) by ordering the parent or guardian of the offender to pay a fine ; or

(h) where the offender is a young person, by sentencing him to imprisonment ; or

(i) by dealing with the case in any other manner in which it may legally be dealt with :

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

Government to determine the Borstal School to which youthful offender shall be sent.

21. Every youthful offender directed by a court to be sent to a Borstal School shall be sent to such Borstal School as the Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such court :

Provided that, if accommodation in a Borstal School is not immediately available for such youthful offender, he may be detained in a special ward or such other suitable part of a prison as the Government may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Removal from one school to another.

22. The Inspector-General may at any time order an inmate to be removed from one Borstal School to

another, provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

23. Where a person detained in a Borstal School is reported to the Government by the Superintendent and the Committee of Visitors of such school to be incorrigible or to be exercising a bad influence on the other inmates of the school, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding—

Transfer of incorrigibles, etc., to prisons.

- (a) such unexpired residue, or
- (b) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or
- (c) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904, whichever is shortest.

PART III.

CHILDREN AND YOUNG PERSONS NOT BEING YOUTHFUL OFFENDERS.

24. (i) In any area to which the Government shall direct that this section shall apply, any person authorised in this behalf in accordance with rules made by the Government may bring before a court any person apparently under the age of fourteen years who,

Children liable to be sent to Borstal School.

- (a) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian or a parent or guardian who does not exercise proper guardianship; or
- (b) is found destitute, not being an orphan and having both parents or his surviving parent or in the case of an illegitimate child, his mother, undergoing transportation or imprisonment; or
- (c) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or
- (d) frequents the company of any reputed thief; or
- (e) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child;

and the court before which a person is brought as coming within one of those descriptions, if satisfied on enquiry of that fact, and that it is expedient so to deal with him, may order him to be sent to a Borstal School.

(ii) Where under this Act a court is empowered to order a child to be sent to a Borstal School; the court, in lieu of ordering him to be so sent, may make an order for the committal of the child to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to
commit child
to suitable
custody.

(iii) Any police officer or other person authorised by the Government in this behalf may bring before a Court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in sub-section (1) and the court if satisfied on enquiry of that fact and that it is expedient so to deal with him, may make an order for his committal to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to
commit
young person
to care of
relative or fit
person in
certain cases.

Provided that a girl coming within the description mentioned in clause (e) of sub-section (i) may be committed to such custody until she attains the age of eighteen years or for any shorter period.

(iv) The court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

25. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a Borstal School, the court, if satisfied on enquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

Uncontrol-
lable children.

PART IV.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO BORSTAL SCHOOLS OR COMMITTED TO SUITABLE CUSTODY.

26. (i) The court which makes an order for the detention of a child in a Borstal School under Section 25 or for the committal of a child or young person to suitable custody under this Act may make an order on the parent or other person liable to maintain the child or young person to contribute to his maintenance, if able to do so, in the prescribed manner.

Contribution
of parent.

(ii) Any order made under this section may, from time to time, be varied by the court.

(iii) The persons liable to maintain a child or young person shall, for the purposes of sub-section (1), include in the case of illegitimacy his putative father:—

Provided that where the child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1940, the Court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the young person or child.

(iv) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

PART VI.

JUVENILE COURTS.

27. (i) The Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders relating to a child or young person at which the attendance of the child or young person is required. Juvenile
Courts.

(ii) Where no such separate court has been established, the court before which a child or young person is brought shall, unless the child or young person is tried jointly with any other person, not being a child or young person whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VI.

RELEASE ON LICENCE.

28. (i) Subject to any general or special directions of the Government, the Inspector-General, on the recommendation of the Superintendent and the Committee of Visitors may, at any time after the expiration of six Power to
release on
licence.

months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life by licence permit him to be discharged from the Borstal School on condition that he be placed under the supervision or authority of any Government officer, or secular institution or person, or religious society professing the same religion as the inmate named in the licence who may be willing to take charge of him.

(ii) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired or the term for which the child or the young person was ordered to be detained in the School has expired, unless sooner revoked or forfeited.

Form of
licence.

29. Every licence granted under section 28 shall be in such form and shall contain such conditions as the Government may by rules direct.

Revocation of
licence

30. Subject to any general or special directions of the Government, a licence granted under section 28 may be revoked at any time by the Inspector-General and where a licence has been revoked, the person to whom the licence related shall return to the Borstal School.

Escape and
forfeiture of
licence.

31. If any inmate escapes from a Borstal School or if any inmate absents on licence from a Borstal School, removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal School, a police officer not below the rank of a sub-inspector may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal School and his licence shall be forfeited with effect from the date of his escape or failure to return, as the case may be.

Absence
under licence
to be counted
towards
period of
detention.

32. The time during which a person is absent from a Borstal School under a licence shall be treated as part of the term of his detention in the School: provided that where that person has failed to return to the School on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the School.

33. Whoever—

(a) knowingly assists or induces directly or indirectly a youthful offender or child detained in or placed out on licence from a Borstal School to escape from the school or from any person with whom he is placed out on licence or any child or young person to escape from the person to whose custody he is committed under the provisions of this Act,

Penalty for abetting escape of youthful offender or child.

(b) knowingly harbours, conceals or prevents from returning to School, or to any person with whom he is placed out on licence or to the person to whose custody he is committed under this Act, a youthful offender, child or young person who has so escaped, or knowingly assists in so doing shall be punishable with imprisonment for a term which may extend to two months or with a fine not exceeding two hundred rupees or with both.

34. Whoever, contrary to any rule made by Government, introduces or removes or attempts by any means whatever to introduce into or remove from any Borstal School, or supplies or attempts to supply outside the limits of any Borstal School to any youthful offender under order of detention therein, any prohibited article, and every officer or person in charge of a Borstal School, who contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Borstal School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits, and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders.

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding two months or to fine not exceeding two hundred rupees or to both.

PART VII.

APPEAL AND REVISION.

35. For purposes of appeal and revision under the Code of Criminal Procedure, 1904, a sentence of detention under section 12 of this Act shall be deemed to be a sentence of imprisonment for the same period.

Appeal and revision.

Any person affected by an order of the Inspector-General under this Act may appeal to the Government whose orders shall be final.

Appeal.

36. (i) An appeal from an order made by a court under sections 18, 24, 25 or 26 shall lie,

- (a) if passed by a Juvenile Court or by any Magistrate other than a District Magistrate, to a District Magistrate;
- (b) if passed by a District Magistrate, to the Court of Sessions;
- (c) if passed by a Court of Sessions, to the High Court.

(ii) No appeal shall lie from any order passed in any such appeal.

(iii) Any order passed under the provisions of this Act and not otherwise provided for may be revised by the High Court.

PART VIII.

MISCELLANEOUS.

Discharge
and transfer.

37. (i) The Government may, at any time, order a youthful offender or a child—

- (a) to be discharged from a Borstal School either absolutely or on such conditions as the Government approves; or
- (a) to be transferred from one Borstal School to another.

(ii) The total period of detention of the youthful offender or child shall not be increased by any transfer under this section.

Presumption
and determi-
nation of
age.

38. (i) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due enquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person had not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so

brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and where it appears to the court that the person so brought before it is of the age of eighteen years or upwards, the person shall, for the purpose of this Act, be deemed not to be a child or young person.

(ii) No court shall, in appeal or revision, interfere with any presumption or declaration as to age made under sub-section (1).

39. Where a child or young person is committed to suitable custody under this Act, the court in determining the person to whose custody the child or young person shall be committed shall endeavour to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion.

40. The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

41. Any person to whose custody a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent and shall be responsible for his maintenance, and the child or young person shall continue in his custody notwithstanding that he is claimed by his parent or any other person.

42. The Government may order any youthful offender to be transferred from a Borstal School within the State to a Borstal School in British India where there is any arrangement in that behalf between the Government and the Governor-General in Council.

43. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

44. When a youthful offender during his period of detention in a Borstal School is again convicted by a criminal court, the sentence of such court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1904, but the court shall forthwith report the matter to the Govern-

Provision as to religious persuasion.

Removal of disqualification attaching to conviction for offences.

Control of custodian over a child.

Transfer of youthful offenders to Borstal Schools in British India.

Bonds taken under this Act.

Procedure when youthful offender under detention in a Borstal School is again convicted and sentenced.

ment which shall have power to deal with the matter in any way in which it thinks fit.

45. Notwithstanding anything to the contrary contained in any law, no child or young person shall be sentenced to death, transportation, or imprisonment or committed to prison in default of payment of fine or in default of furnishing security :

Provided that a child or young person may be sentenced to imprisonment not exceeding ten years or committed to prison as aforesaid where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a Borstal School and that none of the other methods in which the case may legally be dealt with is suitable.

First
offenders.

46. When a child or young person is convicted of an offence punishable with fine only and is sentenced to fine, the court may add a sentence of whipping in default of payment of fine unless action against his parent or guardian under sub-section (i) of section 18 is practicable.

Treatment of
a child or
young person.

47. (i) Whoever being the parent or guardian of any child or young person abandons, exposes, or wilfully neglects or ill treats such child or young person in a manner likely to cause unnecessary suffering or injury to the health of such child or young person shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 200 or with both.

(ii) For the purpose of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain any child or young person shall be deemed to neglect or ill treat him if he fails to provide him with such food, clothing, medical aid and lodging, as would, in the opinion of the court which hears the case, be suitable to his condition in life.

(iii) Nothing in this section shall be deemed to affect the right of a parent, teacher or guardian to administer reasonable punishment to a child or young person in his charge.

Encouraging
begging by an
child or
young person.

48. (i) Whoever for his own profit causes, or being the parent or guardian allows, any child or young person to beg in any public place shall be punishable with simple imprisonment for a term which may extend to three

months or with fine which may extend to Rs. 100 or with both.

(iii) The Government may, by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

49. Whoever being the parent or guardian of any child or young person allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

Permitting any child or young person to frequent brothel.

50. In any case in which a police officer not below the rank of a sub-inspector or a person authorised in this behalf in the prescribed manner, is of opinion that an offence under section 47 or 48 or 49 has been, or is likely to be committed in relation to any child or young person, he may cause such child or young person to be placed in safety in such manner as the Government may, by rule, prescribe: provided that such child or young person shall not, without an order of a court empowered under section 6 be detained for more than 24 hours in addition to the time necessary to produce him before such court.

Custody of any child or young person in respect of whom an offence is committed or likely to be committed.

51. In any case in which any court empowered under section 6 has reason to believe that an offence under section 47 or 48 or 49 has been or is likely to be committed in relation to any child or young person within its jurisdiction, the court may cause the production of such child or young person by a search warrant and the provisions of the Code of Criminal Procedure, 1904, shall apply to such warrant as if it were under section 100 of the said Code.

Search warrant.

52. (i) If any court empowered under section 6 after such enquiry as the court thinks reasonable is of opinion that any child or young person is allowed by the parent or guardian to be in circumstance conducive to the commission of an offence under section 47 or 48 or 49, the court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any such offence in relation to such child or young person and in default of his furnishing such security, the court may order him to suffer simple imprisonment for a term which may

Bond by parent or guardian.

extend to six months or to pay a fine which may extend to Rs. 100.

(ii) The provisions of sections 513, 514, 514-A and 516 of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this section.

Power to
make custody
order or send
any child or
young person
to Borstal
School.

53. Where the parent or guardian of any child or young person is convicted of an offence under section 47 or 48 or 49 or under Chapter XVI of the Indian Penal Code, 1860, in relation to such child or young person, the court shall have power (in addition to powers of sentencing the offender) to make a custody order in respect of such child or young person to send him to a Borstal School as if he were dealt with under Part II,

(Sd.) MIRZA M. ISMAIL,
Dewan,

*Member's
Copy*

NOTIFICATION

No. 1006—L. C., Bangalore, dated 29th November 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Juveniles Bill is published for general information with the statement of objects and reasons.

By Order,

B. K. RAMAKRISHNAIYA,

For Secretary,

Mysore Legislative Council.

MYSORE JUVENILES BILL.

Whereas it is expedient to make provision for the custody, trial and punishment of youthful offenders, for the establishment and regulation of Borstal Schools, for detention and training of youthful offenders, and for the protection of children and young persons in Mysore; it is hereby enacted as follows :—

Preamble

PART I.

1. (i) This Act may be called ~~as~~ the "Mysore Juveniles Act 1938."

Short title and extent.

(ii) The Government may, by notification, from time to time, apply the whole or any portion of this Act to children, young persons or youthful offenders or any class thereof in any local area in the State of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

*Madras
Childrens Act
S. 1.
✓*

2. In this Act unless there is anything repugnant in the subject or context—

Definition.

(i) "Child" means a person under the age of fourteen years and when used in reference to a child sent to a Borstal School applies to that child during the whole period of detention, notwithstanding that the child attains the age of fourteen years before the expiration of that period.

*Madras
Childrens Act
S. 3.*

(ii) "Young person" means a person who is fourteen years of age or upwards and under the age of eighteen years.

(iii) "Youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment or who, having been ordered to furnish security under section 118 of the Code of Criminal Procedure, 1904, has failed to do so and who, at the time of such conviction or failing to give security, was under the age of eighteen years.

(iv) "Guardian" in relation to a child, young person or youthful offender includes any person, who, in the opinion of the court having cognizance of any case in relation to the child, young person, or youthful offender or in which the child, young person, or youthful offender is concerned, has for the time being the charge of, or control over the child, young person, or youthful offender.

(v) "Borstal School" shall mean a corrective institution established under the Act wherein children, young persons or youthful offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime.

(vi) "Inspector-General" shall mean the Inspector-General of Prisons and shall include any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General.

(vii) "Prescribed" means prescribed by the rules under this Act.

3. (i) For the purposes of this Act, the Government may establish one or more Borstal Schools.

(ii) For every Borstal School, the Government shall appoint a Superintendent and a Committee of Visitors.

4. (i) The Government may, from time to time, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

- (a) the control and management of Borstal Schools established under this Act,
- (b) the appointment, powers and duties of officials in such schools,
- (c) the constitution, powers and duties of visiting committees,

Madras Borstal
Schools Act
S. 2(2)

Do. S. 2(3)

Establish-
ment of
Borstal
Schools.

-do- S (3)
Rules.
Any institution
for the reception
of youthful offenders
shall be known as a
Borstal School.
for the purpose
of this Act.

- (d) the classification, treatment, maintenance, education, industrial training and control of the inmates,
- (e) the temporary detention of youthful offenders until arrangements can be made for sending them to Borstal Schools,
- (f) visits to and communication with the inmates,
- (g) the class of persons who may be authorized under section 25 ~~(A)~~ 24 (1)
- (h) removal of articles which are deemed to be "prohibited articles" when introduced without due authority,
- (i) the penalties to be imposed for the supply or possession of such articles when possessed or supplied without due authority,
- (j) the punishment ~~or~~ offences committed by youthful offenders,
- (k) the granting of licences for the employment of youthful offenders.

(3) All rules made under this Act shall be published in the ~~local~~ official Gazette and on such publication shall have effect as if enacted in this Act.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, ¹¹ Prisons Act, 1870, and the Mysore Prisoners' Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and ~~the~~ youthful offenders prisoners.

Application
of the Mysore
Prisoners'
Testimony
Act, 1894.
Madras Borstal
Schools Act
55

6. The powers conferred on courts by this Act shall be exercised only by—

- (a) the High Court,
- (b) a Court of Sessions,
- (c) a District Magistrate,
- (d) a Sub-Divisional Magistrate.
- (e) any Magistrate of the first or second class specially empowered by the Government to exercise all or any of such powers,
- (f) any Juvenile Court constituted under sub-section (1) of section 287

Courts
empowered
under this
Act.
Madras Borstal
Schools Act
36.
= Madras Childrens
Act. 54.

and may be exercised by such courts whether the case comes before them originally or on appeal or in revision.

Procedure
when Magis-
trate is not
empowered
to pass
sentence
under this
Act.

*Madras Children
Act 55*
*Madras Borstal
Schools Act
57*

7. (i) When any Magistrate not empowered to pass sentence under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be detained in a Borstal School, he may, without passing sentence, record such opinion and submit his proceedings and forward the child or young person to the District Magistrate to whom he is subordinate or to the Magistrate presiding over the nearest juvenile court having jurisdiction in the case.

(ii) The District Magistrate or the Magistrate presiding over the juvenile court to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such child or young person had originally been brought before him or tried by him.

PART II.

YOUTHFUL OFFENDERS.

Bail of
children
and young
persons
arrested.

*Madras Children
Act 518.*

8. Where a person apparently under the age of eighteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of a police station to which such person is brought shall release him on bail if sufficient surety is forthcoming, unless, for reason to be recorded in writing, the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reputed criminal.

Custody of
children
and young
persons not
discharged on
bail after
arrest.

do - 519.

9. Where a person apparently under the age of eighteen years having been arrested is not released under section eight or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner, until he can be brought before a court having jurisdiction under this Act.

Remand or
committal
to custody.

do - 520

10. A court on remanding or committing for trial a child or young person who is not released on bail shall order him to be detained in the prescribed manner.

Attendance at
court of
parent of
child or
young person
charged with
an offence,
etc.

do - 521

11. (i) Where a child or young person is charged with any offence and brought before a court having jurisdiction under this Act, his parent or guardian may in any case and shall, if he can be found and resides within a

*or in person or by application under
section 24*

reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(ii) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(iii) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person : provided that if that person is not the father, the attendance of the father may also be required.

(iv) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

12. Where it appears to a court having jurisdiction under this Act that a youthful offender should, by reason of his criminal habits or tendencies or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the court, in lieu of passing a sentence of transportation or imprisonment, to pass a sentence of detention in a Borstal School for a term which shall not be less than three or more than five years :

Power of
Court to pass
sentence of
detention in
Borstal
School.

*Madras Borstal
Schools Act
58.*

Provided that, before passing such sentence, the court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

13. Any person detained in a Borstal School for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under section 124 of the Code.

Limitation
on powers
conferred by
Section 12.

-do- 59

Power of
Inspector-
General to
transfer
prisoners to
Borstal
School. a/

*Madras Borstal
School Act
S 10*

14. The Inspector-General may, subject to rules made by the Government, if satisfied that any youthful offender undergoing transportation or imprisonment in consequence of sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal School, direct that such person shall be transferred from prison to a Borstal School; there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall thereupon apply to such person as if he had been originally sentenced to detention in a Borstal School.

Preliminary
inquiry and
finding as to
age of youth-
ful offender.

- do - S 11

15. (i) Before passing a sentence under section 12, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary; shall record a finding thereon stating his age as nearly as may be.

(ii) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under section 12 before submitting his proceedings and forwarding an youthful offender to the District Magistrate or to the Magistrate presiding over Juvenile Court having jurisdiction in the case as required by sub-section (1) of section 7

Period of
detention.

*Madras Children
Act S 24*

16. The order in pursuance of which a young person or child is sent to a Borstal School shall specify the time for which the young person or child is to be detained in the school being—

(a) in the case of a young person not less than three and not more than five years but not in any case extending beyond the time when the young person will, in the opinion of the court, attain the age of twenty-one years.

(b) in the case of a child such time as the court may deem proper for the teaching and training of the child but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of seventeen years.

Power to
discharge
youthful
offender or to
commit him
to suitable
custody.

- do - S 25

17. A court may, if it shall think fit, having regard to the age, character, antecedents, physical or mental condition of the offender, instead of directing any youthful offender to be detained in a Borstal School, order him to be—

(a) discharged after due admonition or,

(b) committed to the custody of his parent or guardian or any adult relative, on such parent, guardian or relative executing a bond with or without sureties, as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months, and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

18. (i) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall, if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to
order parent
to pay fine,
etc., instead
of child or
young person.

*Madras Children
Act 526*

(ii) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(iii) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

19. (i) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provision of this Act it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

Detention in
the case of
certain
serious crimes
committed
by children
or young
persons.

- do - 527

(ii) Notwithstanding the provisions of section 12, the Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

Methods of
dealing with
children and
young persons
charged with
offences.

*Madras Children
Act S 28*

20. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

(a) by discharging the offender after due admonition; or

(b) by committing the offender to the custody of his parent, guardian, or any adult relative, on such parent, guardian, or relative executing a bond to be responsible for his good behaviour; or

(c) by so discharging or committing the offender and placing him under the supervision of a person named by the court; or

(d) by sending the offender to a Borstal School or

(e) by ordering the offender to be whipped; or

(f) by ordering the offender to pay a fine; or

(g) by ordering the parent or guardian of the offender to pay a fine; or

(h) where the offender is a young person, by sentencing him to imprisonment; or

(i) by dealing with the case in any other manner in which it may legally be dealt with.

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

Government
to determine
the Borstal
School to
which youth-
ful offender
shall be sent.

*Madras Borstal
Schools Act*

S 12

21. Every youthful offender directed by a court to be sent to a Borstal School shall be sent to such Borstal School as the Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such court:

Provided that, if accommodation in a Borstal School is not immediately available for such youthful offender, he may be detained in a special ward or such other suitable part of a prison as the Government may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Removal from
one school to
another.

22. The Inspector-General may at any time order an inmate to be removed from one Borstal School to

another, provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

23. Where a person detained in a Borstal School is reported to the Government by the Superintendent and the Visiting Committee of such school to be incorrigible or to be exercising a bad influence on the other inmates of the School, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding—

- (a) such unexpired residue, or
- (b) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or
- (c) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904, whichever is shortest.

Transfer of incorrigibles, etc., to prisons.

Madras Borstal Schools Act 514

PART III.

CHILDREN AND YOUNG PERSONS NOT BEING YOUTHFUL OFFENDERS.

24. (i) In any area to which the Government shall direct that this section shall apply, any person authorised in this behalf in accordance with rules made by the Government may bring before a court any person apparently under the age of fourteen years who,

Children liable to be sent to Borstal School.

Madras Children Act 529

(a) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian or a parent or guardian who does not exercise proper guardianship; or

(b) is found destitute, not being an orphan and having both parents or his surviving parent or in the case of an illegitimate child, his mother, undergoing transportation or imprisonment; or

(c) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(d) frequents the company of any reputed thief and the court before which a person is brought as coming within one of those descriptions, if satisfied on enquiry of

that fact, and that it is expedient so to deal with him, may order him to be sent to a Borstal School.

Power to
commit child
to suitable
custody.

(ii) Where under this Act a court is empowered to order a child to be sent to a Borstal School, the court, in lieu of ordering him to be so sent, may make an order for the committal of the child to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to
commit
young person
to care of
relative or fit
person in
certain cases.

(iii) Any police officer or other person authorised by the Government in this behalf may bring before a Court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in sub-section (1) and the court if satisfied on enquiry of that fact and that it is expedient so to deal with him, may make an order for his committal to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

(iv) The court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

Uncontrol-
able children

25. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a Borstal School, the court, if satisfied on enquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

*Madras Children
Act S 30*

PART IV.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO BORSTAL SCHOOLS OR COMMITTED TO SUITABLE CUSTODY.

Contribution
of parent.

26. (i) The court which makes an order for the detention of a child in a Borstal school under section 25 or for the committal of a child or young person to suitable custody under this Act may make an order on the parent or other person liable to maintain the child or young person to contribute to his maintenance, if able to do so, in the prescribed manner.

-do- S 31

(ii) Any order made under this section may, from time to time, be varied by the court.

(iii) The persons liable to maintain a child or young person shall, for the purposes of sub-section (1), include in the case of illegitimacy his putative father:

Provided that where the child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the young person or child.

(iv) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

PART VI.

JUVENILE COURTS.

27. (i) The Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders ~~or licences~~ relating to a child or young person at which the attendance of the child or young person is required.

Juvenile
Courts,
Madras Children
Act s 36
R

(ii) Where no such separate court has been established, the court before which a child or young person is brought shall, unless the child or young person is tried jointly with any other person, not being a child or young person, whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VI.

RELEASE ON LICENCE.

28. (i) Subject to any general or special directions of the Government, the Inspector-General, on the recommendation of the Superintendent and the Visiting Committee, may, at any time after the expiration of six

Power to
release on
licence.
Madras Borstal
Schools Act
s 15

1/10/11

(17) months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal School on condition that he be placed under the supervision or authority of any Government officer, or secular institution or person, or religious society professing the same religion as the inmate named in the licence who may be willing to take charge of him:

(ii) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired or the term for which the child or the young person was ordered to be detained in the School has expired, unless sooner revoked or forfeited.

29. Every licence granted under section 28 shall be in such form and shall contain such conditions as the Government may by rules direct.

30. Subject to any general or special directions of the Government, a licence granted under section 28 may be revoked at any time by the Inspector-General and where a licence has been revoked, the person to whom the licence related shall return to the Borstal School.

31. If any inmate escapes from a Borstal School or if any inmate absent on licence from a Borstal School, removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal School, a police officer not below the rank of a sub-inspector ~~of police~~ may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal School and his licence shall be forfeited with effect from the date of his escape or failure to return, as the case may be.

32. The time during which a person is absent from a Borstal School under a licence shall be treated as part of the term of his detention in the School: provided that where that person has failed to return to the School on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the School.

Form of
licence.

*Madras Borstal
School Act 516*

Revocation of
licence.

- do - 517

Escape and
forfeiture of
licence.

- do - 518

Absence
under licence
to be counted
towards
period of
detention.

- do - 519

33. Whoever—

(a) knowingly assists or induces directly or indirectly a youthful offender or child detained in or placed out on licence from a Borstal School to escape from the school or from any person with whom he is placed out on licence or any child or young person to escape from the person to whose custody he is committed under the provisions of this Act,

Penalty for abetting escape of youthful offender or child.

Madras Children Act 534

(b) knowingly harbours, conceals or prevents from returning to School, or to any person with whom he is placed out on licence or to the person to whose custody he is committed under this Act, a youthful offender, child or young person who has so escaped, or knowingly assists in so doing, shall be punishable with imprisonment for a term which may extend to two months or with a fine not exceeding two hundred rupees or with both.

34. Whoever, contrary to any rule made by Government introduces or removes or attempts by any means whatever to introduce into or remove from any Borstal School, or supplies or attempts to supply outside the limits of any Borstal School to any youthful offender under order of detention therein, any prohibited article, and every officer or person in charge of a Borstal School, who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Borstal School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits, and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders.

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding two months or to fine not exceeding two hundred rupees or to both.

PART VII.

APPEAL AND REVISION.

35. For purposes of appeal and revision under the Code of Criminal Procedure, 1901, a sentence of detention under section 12 of this Act shall be deemed to be a sentence of imprisonment for the same period.

Appeal and revision.

Madras Borstal Schools Act 520

Any person affected by an order of the Inspector-General under this Act may appeal to the Government whose orders shall be final:

36. (i) An appeal from an order made by a court under sections 18, 24, 25 or 26 shall lie,

- (a) if passed by a Juvenile Court or by any Magistrate other than a District Magistrate, to a District Magistrate;
- (b) if passed by a District Magistrate, to the Court of Sessions;
- (c) if passed by a Court of Sessions, to the High Court.

(ii) No appeal shall lie from any order passed in any such appeal.

(iii) Any order passed under the provisions of this Act and not otherwise provided for may be revised by the High Court.

PART VIII.

MISCELLANEOUS.

37. (i) The Government may, at any time, order a youthful offender or a child—

- (a) to be discharged from a Borstal School, either absolutely or on such conditions as the Government approves; or,
- (b) to be transferred from one Borstal School to another.

(ii) The total period of detention of the youthful offender or child shall not be increased by any transfer under this section.

38. (i) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due enquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so

Appeals.

Madras Children
Act 5 42

Discharge
and transfer.

Madras Children
Act 5 35

Presumption
and determi-
nation of
age.

- do - 5 37

brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and where it appears to the court that the person so brought before it is of the age of eighteen years or upwards, the person shall, for the purpose of this Act, be deemed not to be a child or young person.

(ii) No court shall, in appeal or revision, interfere with any presumption or declaration as to age made under sub-section (1).

39. Where a child or young person is committed to suitable custody under this Act, the court in determining the person to whose custody the child or young person shall be committed shall endeavour to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion.

Provision as to religious persuasion.
Madras Children Act 538(2)

40. The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

Removal of disqualification attaching to conviction for offences.
do - 539

41. Any person to whose custody a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent and shall be responsible for his maintenance, and the child or young person shall continue in his custody notwithstanding that he is claimed by his parent or any other person.

Control of custodian over a child.
- do - 540

42. The Government may order any youthful offender to be transferred from a Borstal School within the State to a Borstal School in British India where there is any arrangement in that behalf between the Government and the Governor-General in Council.

Transfer of youthful offenders to Borstal Schools in British India.
do - 543(2)

43. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

Bonds taken under this Act.
- do - 541

44. When a youthful offender during his period of detention in a Borstal School is again convicted by a criminal court, the sentence of such court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1904, but the court shall forthwith report the matter to the

Procedure when youthful offender under detention in a Borstal School is again convicted and sentenced.

Government which shall have power to deal with the matter in any way in which it thinks fit.

Modern Children Act
22

45 Notwithstanding anything to the contrary contained in any law, no child or young person shall be sentenced to death, transportation; or imprisonment, or committed to prison in default of payment of fine or in default of furnishing security :

Provided that a child or young person may be sentenced to imprisonment not exceeding ten years or committed to prison as aforesaid where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a Borstal School and that none of the other methods in which the case may legally be dealt with is suitable.

First
offenders.
Bombay children
Act 5 27 (2)

46. When a child or young person is convicted of an offence punishable with fine only and is sentenced to fine, the court may add a sentence of whipping in default of payment of fine unless action against his parent or guardian under sub-section (i) of section 18 is practicable.

Treatment of
a child or
young person.

B - do - 59

47. (i) Whoever being the parent or guardian of any child or young person abandons, exposes, or wilfully neglects or ill treats such child or young person in a manner likely to cause unnecessary suffering or injury to the health of such child or young person shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 200 or with both.

(ii) For the purpose of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain any child or young person shall be deemed to neglect or ill treat him if he fails to provide him with such food, clothing, medical aid and lodging, as would, in the opinion of the court which hears the case, be suitable to his condition in life.

(iii) Nothing in this section shall be deemed to affect the right of a parent, teacher or guardian to administer reasonable punishment to a child or young person in his charge.

Encouraging
begging by a
child or
young person.

- do - 510

48. (i) Whoever for his own profit causes, or being the parent or guardian allows, any child or young person to beg in any public place shall be punishable with simple imprisonment for a term which may extend to three

months or with fine which may extend to Rs. 100 or with both.

(ii) The Government may, by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

49. Whoever being the parent or guardian of any child or young person allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

Permitting
any child or
young person
to frequent
brothel.

Bombay Children Act
511

50. In any case in which a police officer not below the rank of a sub-inspector or a person authorised in this behalf in the prescribed manner, is of opinion that an offence under section 47 or 48 or 49 has been, or is likely to be committed in relation to any child or young person, he may cause such child or young person to be placed in safety in such manner as the Government may, by rule, prescribe: provided that such child or young person shall not, without an order of a court empowered under section 6 be detained for more than 24 hours in addition to the time necessary to produce him before such court.

Custody of
any child or
young person
in respect of
whom an
offence is
committed or
likely to be
committed.

- do - 514

51. In any case in which any court empowered under section 6 has reason to believe that an offence under section 47 or 48 or 49 has been or is likely to be committed in relation to any child or young person within its jurisdiction, the court may cause the production of such child or young person by a search warrant and the provisions of the Code of Criminal Procedure, 1904, shall apply to such warrant as if it were under section 100 of the said Code.

Search
warrant.

- do - 516

52. (i) If any court empowered under section 6 after such enquiry as the court thinks reasonable is of opinion that any child or young person is allowed by the parent or guardian to be in circumstances conducive to the commission of an offence under section 47 or 48 or 49, the court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any such offence in relation to such child or young person and in default of his furnishing such security, the court may order him to suffer simple imprisonment for a term which may

Bond by
parent or
guardian.

extend to six months or to pay a fine which may extend to Rs. 100.

(ii) The provisions of sections 513, 514, 514-A and 516 of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this section.

Power to
make custody
order or send
any child or
young person
to Borstal
School.

*Bombay Children
Act 15(6)*

16

53. Where the parent or guardian of any child or young person is convicted of an offence under section 47 or 48 or 49 or under Chapter XVI of the Indian Penal Code, 1860, in relation to such child or young person, the court shall have power (in addition to powers of sentencing the offender) to make a custody order in respect of such child or young person to send him to a Borstal School as if he were dealt with under Part II.

Statement of Objects and Reasons.

The question of having a Borstal School in the State has been under the consideration of Government for some time past. A Committee was constituted in 1936 to examine the desirability and feasibility of starting an institution of the kind and to suggest the legislation necessary to give effect to their proposals. The Committee forwarded their report in March 1937. The Committee considered it desirable that young offenders should be provided with a place of detention other than the ordinary jail so that they may be reformed. They also forwarded the draft of the necessary legislation. The recommendations of the Committee were published for the information of the public and opinions invited.

The Bill deals not only with youthful offenders but also with juveniles who have not committed any offence but who, owing to want of parental control, bad association or other reasons, need protection and training. "Child" is defined as a person under the age of 14 years and, "young person" as one between 14 and 18 years. A person under the age of 18 years convicted of an offence punishable with transportation or imprisonment may, if the court considers it desirable to detain the youthful offender under instruction and discipline most conducive for his reformation, order his detention in a Borstal School. The Inspector-General of Prisons may, subject to rules framed by Government, direct that any youthful offender undergoing transportation or imprisonment shall be

transferred to a Borstal School. The minimum period of detention in a Borstal School is fixed at three years and the maximum five years. Provision is also made for the discharge after due admonition, or committal to the custody of the parent or guardian, of a youthful offender instead of committal to a Borstal School. Before taking such action the person's age, character and antecedents will be considered. Where a person detained in a Borstal School is reported to be incorrigible, the unexpired portion of the term of his detention may be commuted to imprisonment. Children who are found wandering without a home or associating with any reputed thief or whose parents or guardians are unfit to have their care, may be brought before the Court which may order them to be sent to a Borstal School or committed to suitable custody. Provision is made for the establishment of juvenile courts for dealing with charges against juveniles.

Provision is also made for the release of an inmate of a Borstal School on licence, provided he is placed under the supervision of a suitable person or institution willing to take charge of him.

In the interest of the well-being of children and the proper development of their character, provision is made for the punishment of offences against children such as ill treatment or encouraging them to beg or allowing them to frequent brothels.

The management and control of the Borstal School and the training, educational and industrial, to be given therein and the control of the inmates will be prescribed by rules under the Act.

4/3/38

NOTIFICATION

No. 1006—L. C., Bangalore, dated 29th November 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Juveniles Bill is published for general information with the statement of objects and reasons.

By Order,

B. K. RAMAKRISHNAIYA,
For Secretary,
Mysore Legislative Council.

MYSORE JUVENILES BILL.

Whereas it is expedient to make provision for the custody, trial and punishment of youthful offenders, for the establishment and regulation of Borstal Schools, for detention and training of youthful offenders, and for the protection of children and young persons in Mysore; it is hereby enacted as follows:—

Preamble

PART I.

1. (i) This Act may be called as the "Mysore Juveniles Act 1938"

Short title and extent.

(ii) The Government may, by notification, from time to time, apply the whole or any portion of this Act to children, young persons or youthful offenders or any class thereof in any local area (in the State of Mysore) from such date as may be specified in the notification and may cancel or modify any such notification.

Mysore Children Act
1(2)
Mysore Borstal Act
1(2)
Bombay Children Act
2.

2. In this Act unless there is anything repugnant in the subject or context—

Definition.

(i) "Child" means a person under the age of fourteen years and when used in reference to a child sent to a Borstal School applies to that child during the whole period of detention, notwithstanding that the child attains the age of fourteen years before the expiration of that period.

Mysore Children Act
3(1)
Bombay Children Act
3(a)

(ii) "Young person" means a person who is fourteen years of age or upwards and under the age of eighteen years.

Mysore Children Act
3(2)

(iii) "Youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment or who, having been ordered to furnish security under section 118 of the Code of Criminal Procedure, 1904, has failed to do so and who, at the time of such conviction or failing to give security, was under the age of eighteen years.

(iv) "Guardian" in relation to a child, young person or youthful offender includes any person, who, in the opinion of the court having cognizance of any case in relation to the child, young person, or youthful offender or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender.

(v) "Borstal School" shall mean a corrective institution established under the Act wherein children, young persons or youthful offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime.

(vi) "Inspector-General" shall mean the Inspector-General of Prisons and shall include any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General.

(vii) "Prescribed" means prescribed by the rules under this Act.

3. (i) For the purposes of this Act, the Government may establish one or more Borstal Schools.

(ii) For every Borstal School, the Government shall appoint a Superintendent and a Committee of Visitors.

4. (i) The Government may, from time to time, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

- the control and management of Borstal Schools established under this Act,
- the appointment, powers and duties of officials in such schools,
- the constitution, powers and duties of visiting committees,

or may recognise any institution which is fit for the reception of youthful offenders as a Borstal school!

Madras Children Act 3(3)

Madras Borstal Act 2(1)

Bombay Children Act 3(c)

Madras Children Act 3(4)

Bombay Children Act 3(c)

or recognised

Madras Borstal Act 2(2)

Bombay Borstal Act 3(a)

V.P. Act 2(1)

Madras Borstal Act 2(3)

Bombay Borstal Act 3(b)

V.P. Act 3.4 (2-3) Establish-ment of Borstal Schools.

Madras Borstal Act 3
Bombay Borstal Act 4
Rules.

Madras Borstal Act 4

- 4/
- (d) the classification, treatment, maintenance, education, industrial training and control of the inmates,
 - (e) the temporary detention of youthful offenders until arrangements can be made for sending them to Borstal Schools,
 - (f) visits to and communication with the inmates,
 - (g) the class of persons who may be authorized under section 24(i), 24(1)
 - (h) removal of articles which are deemed to be "prohibited articles" when introduced without due authority,
 - (i) the penalties to be imposed for the supply or possession of such articles when possessed or supplied without due authority,
 - 7/4/ (j) the punishment of offences committed by youthful offenders,
 - (k) the granting of licences for the employment of youthful offenders.

iii (3) All rules made under this Act shall be published in the local official Gazette and on such publication shall have effect as if enacted in this Act. 7

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, ^{the} Prisons Act, 1870, and the Mysore Prisoners' Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and the youthful offenders prisoners.

Application
of the Mysore
Prisoners'
Testimony
Act, 1894.

Mysore Borstal Act 5-
Bombay Borstal Act 5
U.P. Act 31

6. The powers conferred on courts by this Act shall be exercised only by—

- (a) the High Court,
- (b) a Court of Sessions,
- (c) a District Magistrate,
- (d) a Sub-Divisional Magistrate.
- (e) any Magistrate of the first or second class specially empowered by the Government to exercise all or any of such powers,
- (f) any Juvenile Court constituted under sub-section (1) of section 28 27.

Courts
empowered
under this
Act.

Mysore Borstal Act 6
Mysore Children Act 4
Bombay Children Act 5
Bombay Borstal Act 8

and may be exercised by such courts whether the case comes before them originally or on appeal or in revision.

Procedure
when Magis-
trate is not
empowered
to pass
sentence
under this
Act.

7. (i) When any Magistrate not empowered to pass sentence under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be detained in a Borstal School, he may, without passing sentence, record such opinion and submit his proceedings and forward the child or young person to the District Magistrate to whom he is subordinate or to the Magistrate presiding over the nearest juvenile court having jurisdiction in the case.

(ii) The District Magistrate or the Magistrate presiding over the juvenile court to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such child or young person had originally been brought before him or tried by him.

PART II.

YOUTHFUL OFFENDERS.

Bail of
children
and young
persons
arrested.

8. Where a person apparently under the age of eighteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of a police station to which such person is brought shall release him on bail if sufficient surety is forthcoming, unless, for reasons to be recorded in writing, the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reputed criminal.

Custody of
children
and young
persons not
discharged on
bail after
arrest.

9. Where a person apparently under the age of eighteen years having been arrested is not released under section eight or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner, until he can be brought before a court having jurisdiction under this Act.

Remand or
committal
to custody.

10. A court on remanding or committing for trial a child or young person who is not released on bail shall order him to be detained in the prescribed manner.

Attendance at
court of
parent of
child or
young person
charged with
an offence,
etc.

11. (i) Where a child or young person is charged with any offence and brought before a court having jurisdiction under this Act, his parent or guardian may in any case and shall, if he can be found and resides within a

or is being kept in an accommodation near the court or is being kept before a court having jurisdiction under this Act

Madras Children Act 5
Madras Borstal Act 7
Bombay Children Act 6
Bombay Borstal Act 9
(U.P. Act 5(2))

Madras Children Act 18
Bombay Children Act 19

Madras Children Act 19
Bombay Children Act 19

Madras Children Act 20
Bombay Children Act 20

Madras Children Act 21
Bombay Children Act 21

I filed in the last meeting 7 the
Madras Assembly some amendments
have been made to the act.

Please verify & see if we
can adopt them

kg
10.6.39

Subd

Section 10 of the Madras Borstal Act is
sought to be amended to give the D. G.
of Prisons power to transfer an offender
who is sentenced to transportation
(Because s 10 gives such a power only
when a juvenile offender is sentenced
to imprisonment)

In our Bill cl 15, the Lord's transportation
finds a place and so no further
change seems necessary
One

reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(ii) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(iii) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person: provided that if that person is not the father, the attendance of the father may also be required.

(iv) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

12. Where it appears to a court having jurisdiction under this Act that a youthful offender should, by reason of his criminal habits or tendencies or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the court, in lieu of passing a sentence of transportation or imprisonment, to pass a sentence of detention in a Borstal School for a term which shall not be less than three or more than five years:

Power of Court to pass sentence of detention in Borstal School.

Madam Borstal Act 8
Bombay Borstal Act 6
(Madam children 23 (i-4)
Bombay " 23 (i)
U.P. 5 (i)

Provided that, before passing such sentence, the court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

13. Any person detained in a Borstal School for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under section 124 of the Code.

Limitation on powers conferred by Section 12.

Madam Borstal Act 9
Bombay Borstal Act 10
U.P. Act 11

Power of
Inspector-
General to
transfer
prisoners to
Borstal
School.

14. The Inspector-General may, subject to rules made by the Government, if satisfied that any youthful offender undergoing transportation or imprisonment in consequence of sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal School, direct that such person shall be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall thereupon apply to such person as if he had been originally sentenced to detention in a Borstal School.

Preliminary
inquiry and
finding as to
age of youth-
ful offender.

15. (i) Before passing a sentence under section 12, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

(ii) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under section 12 before submitting his proceedings and forwarding an youthful offender to the District Magistrate or to the Magistrate presiding over Juvenile Court having jurisdiction in the case as required by sub-section (1) of section 7.

Period of
detention.

16. The order in pursuance of which a young person or child is sent to a Borstal School shall specify the time for which the young person or child is to be detained in the school, being—

(a) in the case of a young person not less than three and not more than five years but not in any case extending beyond the time when the young person will, in the opinion of the court, attain the age of twenty-one years.

(b) in the case of a child such time as the court may deem proper for the teaching and training of the child but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of seventeen years.

Power to
discharge
youthful
offender or to
commit him
to suitable
custody.

17. A court may, if it shall think fit, having regard to the age, character, antecedents, physical or mental condition of the offender, instead of directing any youthful offender to be detained in a Borstal School, order him to be—

(a) discharged after due admonition or,

Madon Borstal Act 10
Borstal Act 11
Madon Children Act
23(5)
Borstal children Act
23(3)
U.P. Act 7, 9 & 9)

Madon Borstal Act
11
N.P. Act 12

Madon children Act
24
Borstal children Act
32
(Borstal, Borstal Act
17)

Young person
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Madon children Act
25
Borstal children Act
24

(b) committed to the custody of his parent or guardian or any adult relative, on such parent, guardian or relative executing a bond with or without sureties, as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months, and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

*Sp. Act
Sec.
ex. i.
M. 25*

18. (i) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall, if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to
order parent
to pay fine,
etc., instead
of child or
young person. ✓

*Madon children Act
26
Boundary children Act
25*

(ii) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(iii) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

19. (i) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provision of this Act it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

Detention in
the case of
certain
serious crimes
committed
by children
or young
persons.

*Madon children Act
27*

(ii) Notwithstanding the provisions of section 12, the Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

*Boundary children Act
26*

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

✓

Methods of
dealing with
children and
young persons
charged with
offences.

✓ *Madras Children Act*
26
Summary Children Act
27

20. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

(a) by discharging the offender after due admonition; or

(b) by committing the offender to the custody of his parent, guardian, or any adult relative, on such parent, guardian, or relative executing a bond to be responsible for his good behaviour; or

(c) by so discharging or committing the offender and placing him under the supervision of a person named by the court; or

(d) by sending the offender to a Borstal School or

(e) by ordering the offender to be whipped; or

(f) by ordering the offender to pay a fine; or

(g) by ordering the parent or guardian of the offender to pay a fine; or

(h) where the offender is a young person, by sentencing him to imprisonment; or

(i) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

Government
to determine
the Borstal
School to
which youthful
offender
shall be sent.

✓ *Madras Borstal Act 12*
Summary Borstal Act
13(1)

21. Every youthful offender directed by a court to be sent to a Borstal School shall be sent to such Borstal School as the Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such court:

Provided that, if accommodation in a Borstal School is not immediately available for such youthful offender, he may be detained in a special ward or such other suitable part of a prison as the Government may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Removal from
one school to
another.

✓ *Madras Borstal Act 13*
Summary Borstal Act 13(2)
(Power is given to Govt)

22. The Inspector-General may at any time order any inmate to be removed from one Borstal School to

another, provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

23. Where a person detained in a Borstal School is reported to the Government by the Superintendent and the Visiting Committee of such school to be incorrigible or to be exercising a bad influence on the other inmates of the School, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding—

(a) such unexpired residue, or

(b) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or

(c) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904,

whichever is shortest.

PART III.

CHILDREN AND YOUNG PERSONS NOT BEING YOUTHFUL OFFENDERS.

24. (i) In any area to which the Government shall direct that this section shall apply, any person authorised in this behalf in accordance with rules made by the Government may bring before a court any person apparently under the age of fourteen years who,

(a) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian or a parent or guardian who does not exercise proper guardianship; or

(b) is found destitute, not being an orphan and having both parents or his surviving parent or in the case of an illegitimate child, his mother, undergoing transportation or imprisonment; or

(c) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(d) frequents the company of any reputed thief; and the court before which a person is brought as coming within one of those descriptions, if satisfied on enquiry of

Transfer of incorrigibles, etc., to prisons.

Madras Borstal Act 14
Bombay Borstal Act 12
V.G. Act 19

Children liable to be sent to Borstal School.

Madras children Act 29

Bombay children Act 7

e) as in Form 11. (1.1.1919) 2

that fact, and that it is expedient so to deal with him, may order him to be sent to a Borstal School.

Power to
commit child
to suitable
custody.

(ii) Where under this Act a court is empowered to order a child to be sent to a Borstal School, the court, in lieu of ordering him to be so sent, may make an order for the committal of the child to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to
commit
young person
to care of
relative or fit
person in
certain cases.

(iii) Any police officer or other person authorised by the Government in this behalf may bring before a Court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in sub-section (1) and the court if satisfied on enquiry of that fact and that it is expedient so to deal with him, may make an order for his committal to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

(iv) The court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

Uncontrol-
able children.

25. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a Borstal School, the court, if satisfied on enquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

PART IV.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO BORSTAL SCHOOLS OR COMMITTED TO SUITABLE CUSTODY.

Contribution
of parent.

26. (i) The court which makes an order for the detention of a child in a Borstal school under section 25 or for the committal of a child or young person to suitable custody under this Act may make an order on the parent or other person liable to maintain the child or young person to contribute to his maintenance, if able to do so, in the prescribed manner.

Uncontrol-
able children.
30
Borstal School Act
31
Borstal School Act
32

(ii) Any order made under this section may, from time to time, be varied by the court.

(iii) The persons liable to maintain a child or young person shall, for the purposes of sub-section (1), include in the case of illegitimacy his putative father:

Provided that where the child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the young person or child.

(iv) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

PART V.

JUVENILE COURTS.

27. (i) The Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders (or licences) relating to a child or young person at which the attendance of the child or young person is required.

Juvenile
Courts,
Madras Children Act
36
Bombay Children Act
87, 46

(ii) Where no such separate court has been established, the court before which a child or young person is brought shall, unless the child or young person is tried jointly with any other person, not being a child or young person, whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VI.

RELEASE ON LICENCE.

28. (i) Subject to any general or special directions of the Government, the Inspector-General, on the recommendation of the Superintendent and the Visiting Committee, may, at any time after the expiration of six

Power to
release on
licence.
Madras Criminal Act
15
Bombay Criminal Act
14
Bombay Children Act
30
U.P. Act 14

in the

months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal School on condition that he be placed under the supervision or authority of any Government officer, or secular institution or person, or religious society professing the same religion as the inmate named in the licence who may be willing to take charge of him.

(ii) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired or the term for which the child or the young person was ordered to be detained in the School has expired, unless sooner revoked or forfeited.

Form of
licence.

29. Every licence granted under section 28 shall be in such form and shall contain such conditions as the Government may by rules direct.

Revocation of
licence.

30. Subject to any general or special directions of the Government, a licence granted under section 28 may be revoked at any time by the Inspector-General and where a licence has been revoked, the person to whom the licence related shall return to the Borstal School.

Escape and
forfeiture of
licence.

31. If any inmate escapes from a Borstal School or if any inmate absent on licence from a Borstal School, removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal School, a police officer not below the rank of a sub-inspector of police may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal School and his licence shall be forfeited with effect from the date of his escape or failure to return, as the case may be.

Absence
under licence
to be counted
towards
period of
detention.

32. The time during which a person is absent from a Borstal School under a licence shall be treated as part of the term of his detention in the School: provided that where that person has failed to return to the School on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the School.

✓
Madras Borstal Act 16
U.P. Act 16

✓
Madras Borstal Act 17
Bombay Borstal Act 15
Bombay Children Act 30(3)
U.P. Act 17

✓
Madras Borstal Act 18
Bombay Borstal Act 18
U.P. Act 18

✓
Madras Borstal Act 19
Bombay Children Act
30(6)
U.P. Act 15
(Bombay Borstal Act
14(3).)

33. Whoever—

(a) knowingly assists or induces directly or indirectly a youthful offender or child detained in or placed out on licence from a Borstal School to escape from the school or from any person with whom he is placed out on licence or any child or young person to escape from the person to whose custody he is committed under the provisions of this Act,

Penalty for
abetting
escape of
youthful
offender or
child.

maxim children Act
34
contrary children Act
31

(b) knowingly harbours, conceals or prevents from returning to School, or to any person with whom he is placed out on licence or to the person to whose custody he is committed under this Act, a youthful offender, child or young person who has so escaped, or knowingly assists in so doing shall be punishable with imprisonment for a term which may extend to two months or with a fine not exceeding two hundred rupees or with both.

34. Whoever, contrary to any rule made by Government introduces or removes or attempts by any means whatever to introduce into or remove from any Borstal School, or supplies or attempts to supply outside the limits of any Borstal School to any youthful offender under order of detention therein, any prohibited article, and every officer or person in charge of a Borstal School, who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Borstal School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits, and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

Penalty for
introduction
or removal
or supply of
prohibited
articles and
communica-
tion with
youthful
offenders.

U.P. Act 22

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding two months or to fine not exceeding two hundred rupees or to both.

PART VII.

APPEAL AND REVISION.

35. For purposes of appeal and revision under the Code of Criminal Procedure, 1904, a sentence of detention under section 12 of this Act shall be deemed to be a sentence of imprisonment for the same period.

Appeal and
revision.

maxim Borstal Act
20
contrary Borstal Act
21

Any person affected by an order of the Inspector-General under this Act may appeal to the Government whose orders shall be final.

36. (i) An appeal from an order made by a court under sections 18, 24, 25 or 26 shall lie,

- (a) if passed by a Juvenile Court or by any Magistrate other than a District Magistrate, to a District Magistrate;
- (b) if passed by a District Magistrate, to the Court of Sessions;
- (c) if passed by a Court of Sessions, to the High Court.

(ii) No appeal shall lie from any order passed in any such appeal.

(iii) Any order passed under the provisions of this Act and not otherwise provided for may be revised by the High Court.

PART VIII.

MISCELLANEOUS.

37. (i) The Government may, at any time, order a youthful offender or a child—

- (a) to be discharged from a Borstal School either absolutely or on such conditions as the Government approves; or
- (b) to be transferred from one Borstal School to another.

(ii) The total period of detention of the youthful offender or child shall not be increased by any transfer under this section.

38. (i) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due enquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so

Appeals.

Madr. Children Act 42
Bombay Children Act 51

Discharge
and transfer.

Madr. Children Act 35
Madr. Borstal Act 21-A
Bombay Children Act 33
Bombay Borstal Act 17-A

Presumption
and determination of
age.

Madr. Children Act 37

brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and where it appears to the court that the person so brought before it is of the age of eighteen years or upwards, the person shall, for the purpose of this Act, be deemed not to be a child or young person.

(ii) No court shall, in appeal or revision, interfere with any presumption or declaration as to age made under sub-section (1).

39. Where a child or young person is committed to suitable custody under this Act, the court in determining the person to whose custody the child or young person shall be committed shall endeavour to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion.

Provision as to religious persuasion.

Madras children Act 38(2)
Bombay children Act 47(2)

40. The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

Removal of disqualification attaching to conviction for offences.
Madras children Act 39
Bombay " 48
Madras Criminal Act 22
Control of custodian over a child.
Bombay " 20

41. Any person to whose custody a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent and shall be responsible for his maintenance, and the child or young person shall continue in his custody notwithstanding that he is claimed by his parent or any other person.

Madras children Act 40
Bombay children " 49

~~42. The Government may order any youthful offender to be transferred from a Borstal School within the State to a Borstal School in British India where there is any arrangement in that behalf between the Government and the Governor-General in Council.~~ (local arrangements)

Transfer of youthful offenders to Borstal Schools in British India.
Madras children Act 43(2)
Bombay children Act 33 A
Bombay Criminal Act 13 A

43. The provisions of Chapter XLII of the Code of Criminal Procedure, 1901, shall, so far as may be, apply to bonds taken under this Act.

Bonds taken under this Act.
Madras children Act 41
Bombay children " 50

44. When a youthful offender during his period of detention in a Borstal School is again convicted by a criminal court, the sentence of such court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1904, but the court shall forthwith report the matter to the

Procedure when youthful offender under detention in a Borstal School is again convicted and sentenced.

NEN

Government which shall have power to deal with the matter in any way in which it thinks fit.

✓ *Children Act 22*
Bombay Children Act 22
 45 Notwithstanding anything to the contrary contained in any law, no child or young person shall be sentenced to death, transportation, or imprisonment, or committed to prison in default of payment of fine or in default of furnishing security :

Provided that a child or young person may be sentenced to imprisonment not exceeding ten years or committed to prison as aforesaid where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a Borstal School and that none of the other methods in which the case may legally be dealt with is suitable.

First offenders.
Bombay Children Act 27(2)
 46. When a child or young person is convicted of an offence punishable with fine only and is sentenced to fine, the court may add a sentence of whipping in default of payment of fine unless action against his parent or guardian under sub-section (i) of section 18 is practicable.

Treatment of a child or young person.
Bombay Children Act 9
 47. (i) Whoever being the parent or guardian of any child or young person abandons, exposes, or wilfully neglects or ill treats such child or young person in a manner likely to cause unnecessary suffering or injury to the health of such child or young person shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 200 or with both.

(ii) For the purpose of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain any child or young person shall be deemed to neglect or ill treat him if he fails to provide him with such food, clothing, medical aid and lodging, as would, in the opinion of the court which hears the case, be suitable to his condition in life.

(iii) Nothing in this section shall be deemed to affect the right of a parent, teacher or guardian to administer reasonable punishment to a child or young person in his charge.

Encouraging begging by a child or young person.
Bombay Children Act 10
 48. (i) Whoever for his own profit causes, or being the parent or guardian allows, any child or young person to beg in any public place shall be punishable with simple imprisonment for a term which may extend to three

months or with fine which may extend to Rs. 100 or with both.

(ii) The Government may, by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

49. Whoever being the parent or guardian of any child or young person allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

Permitting
any child or
young person
to frequent
brothel.

Smuggling Children Act
11

50. In any case in which a police officer not below the rank of a sub-inspector or a person authorised in this behalf in the prescribed manner, is of opinion that an offence under section 47 or 48 or 49 has been, or is likely to be committed in relation to any child or young person, he may cause such child or young person to be placed in safety in such manner as the Government may, by rule, prescribe: provided that such child or young person shall not, without an order of a court empowered under section 6 be detained for more than 24 hours in addition to the time necessary to produce him before such court.

Custody of
any child or
young person
in respect of
whom an
offence is
committed or
likely to be
committed.

Smuggling Children Act
14

51. In any case in which any court empowered under section 6 has reason to believe that an offence under section 47 or 48 or 49 has been or is likely to be committed in relation to any child or young person within its jurisdiction, the court may cause the production of such child or young person by a search warrant and the provisions of the Code of Criminal Procedure, 1904, shall apply to such warrant as if it were under section 100 of the said Code.

Search
warrant.

*(Smuggling Children
Act 16.)*

52. (i) If any court empowered under section 6 after such enquiry as the court thinks reasonable is of opinion that any child or young person is allowed by the parent or guardian to be in circumstances conducive to the commission of an offence under section 47 or 48 or 49, the court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any such offence in relation to such child or young person and in default of his furnishing such security, the court may order him to suffer simple imprisonment for a term which may

Bond by
parent or
guardian.

*(Smuggling Children
Act 16.)*

extend to six months or to pay a fine which may extend to Rs. 100.

(ii) The provisions of sections 513, 514, 514-A and 516 of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this section.

Power to
make custody
order or send
any child or
young person
to Borstal
School.

Sanctity Ch. XVII Act
15 (1) & (6)

53. Where the parent or guardian of any child or young person is convicted of an offence under section 47 or 48 or 49 or under Chapter XVI of the Indian Penal Code, 1860, in relation to such child or young person, the court shall have power (in addition to powers of sentencing the offender) to make a custody order in respect of such child or young person to send him to a Borstal School as if he were dealt with under Part II.

Statement of Objects and Reasons.

The question of having a Borstal School in the State has been under the consideration of Government for some time past. A Committee was constituted in 1936 to examine the desirability and feasibility of starting an institution of the kind and to suggest the legislation necessary to give effect to their proposals. The Committee forwarded their report in March 1937. The Committee considered it desirable that young offenders should be provided with a place of detention other than the ordinary jail so that they may be reformed. They also forwarded the draft of the necessary legislation. The recommendations of the Committee were published for the information of the public and opinions invited.

The Bill deals not only with youthful offenders but also with juveniles who have not committed any offence but who, owing to want of parental control, bad association or other reasons, need protection and training. "Child" is defined as a person under the age of 14 years and; "young person" as one between 14 and 18 years. A person under the age of 18 years convicted of an offence punishable with transportation or imprisonment may, if the court considers it desirable to detain the youthful offender under instruction and discipline most conducive for his reformation, order his detention in a Borstal School. The Inspector-General of Prisons may, subject to rules framed by Government, direct that any youthful offender undergoing transportation or imprisonment shall be

transferred to a Borstal School. The minimum period of detention in a Borstal School is fixed at three years and the maximum five years. Provision is also made for the discharge after due admonition, or committal to the custody of the parent or guardian, of a youthful offender instead of committal to a Borstal School. Before taking such action the person's age, character and antecedents will be considered. Where a person detained in a Borstal School is reported to be incorrigible, the unexpired portion of the term of his detention may be commuted to imprisonment. Children who are found wandering without a home or associating with any reputed thief or whose parents or guardians are unfit to have their care, may be brought before the Court which may order them to be sent to a Borstal School or committed to suitable custody. Provision is made for the establishment of juvenile courts for dealing with charges against juveniles.

Provision is also made for the release of an inmate of a Borstal School on licence, provided he is placed under the supervision of a suitable person or institution willing to take charge of him.

In the interest of the well-being of children and the proper development of their character, provision is made for the punishment of offences against children such as ill treatment or encouraging them to beg or allowing them to frequent brothels.

The management and control of the Borstal School and the training, educational and industrial, to be given therein and the control of the inmates will be prescribed by rules under the Act.

62

NOTIFICATION

No. 1006—L. C., Bangalore, dated 29th November 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Juveniles Bill is published for general information with the statement of objects and reasons.

By Order,

B. K. RAMAKRISHNAIYA,

For Secretary,

Mysore Legislative Council.

MYSORE JUVENILES BILL.

Whereas it is expedient to make provision for the custody, trial and punishment of youthful offenders, for the establishment and regulation of Borstal Schools, for detention and training of youthful offender, and for the protection of children and young persons in Mysore; it is hereby enacted as follows:—

Preamble.

PART I.

1. (i) This Act may be called as the "Mysore Juveniles Act 1938."

Short title and extent.

(ii) The Government may, by notification, from time to time, apply the whole or any portion of this Act to children, young persons or youthful offenders or any class thereof in any local area ~~in the State of Mysore~~ from such date as may be specified in the notification and may cancel or modify any such notification.

Madras childrens Act
31(2)
Madras Borstal Act
51(2)
Bombay childrens Act
52.

2. In this Act unless there is anything repugnant in the subject or context—

Definition.

(i) "Child" means a person under the age of fourteen years and when used in reference to a child sent to a Borstal School applies to that child during the whole period of detention, notwithstanding that the child attains the age of fourteen years before the expiration of that period.

Madras Children Act
53(1)
Bombay Children Act
53(a)

(ii) "Young person" means a person who is fourteen years of age or upwards and under the age of eighteen years.

Madras Children Act
3(2)

Madras Children Act
3 (3)

Madras Borstal Act

2 (1)

Bombay Children Act
3 (c)

Madras Children Act

3 (4)

Bombay Children Act
3 (c)

Madras Borstal Act ✓

2 (2)

Bombay Borstal Act

3 (a)

V.P. Act 2 (1)

Madras Borstal Act ✓

2 (3)

Bombay Borstal Act

3 (b)

V.P. Act 3, 4 (2 & 3) Establish-
ment of
Borstal
Schools.

Madras Borstal Act ✓

3

Bombay Borstal Act

4

Rules.

Madras Borstal Act ✓

4

(iii) "Youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment or who, having been ordered to furnish security under section 118 of the Code of Criminal Procedure, 1904, has failed to do so and who, at the time of such conviction or failing to give security, was under the age of eighteen years.

(iv) "Guardian" in relation to a child, young person or youthful offender includes any person, who, in the opinion of the court having cognizance of any case in relation to the child, young person, or youthful offender or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender.

(v) "Borstal School" shall mean a corrective institution established under the Act wherein children, young persons or youthful offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime.

(vi) "Inspector-General" shall mean the Inspector-General of Prisons and shall include any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General.

(vii) "Prescribed" means prescribed by the rules under this Act.

3. (i) For the purposes of this Act, the Government may establish one or more Borstal Schools.

(ii) For every Borstal School, the Government shall appoint a Superintendent and a Committee of Visitors.

4. (i) The Government may, from time to time, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

- (a) the control and management of Borstal Schools established under this Act,
- (b) the appointment, powers and duties of officials in such schools,
- (c) the constitution, powers and duties of visiting committees,

- (d) the classification, treatment, maintenance, education, industrial training and control of the inmates,
- (e) the temporary detention of youthful offenders until arrangements can be made for sending them to Borstal Schools,
- (f) visits to and communication with the inmates,
- (g) the class of persons who may be authorized under section 25 (i), 24(i)
- (h) removal of articles which are deemed to be "prohibited articles" when introduced without due authority,
- (i) the penalties to be imposed for the supply or possession of such articles when possessed or supplied without due authority,
- (j) the punishment of offences committed by youthful offenders, of
- (k) the granting of licences for the employment of youthful offenders.

(3) All rules made under this Act shall be published in the ~~local~~ official Gazette, and on such publication shall have effect as if enacted in this Act.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, Prisons Act, 1870, and the Mysore Prisoners' Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and the youthful offenders, prisoners.

Application
of the Mysore
Prisoners'
Testimony
Act, 1894.

In addn *Borstal Act*
5.5.
Bombay Borstal Act
5.5.
U. P. Act 31

6. The powers conferred on courts by this Act shall be exercised only by—

- (a) the High Court,
- (b) a Court of Sessions,
- (c) a District Magistrate,
- (d) a Sub-Divisional Magistrate.
- (e) any Magistrate of the first or second class specially empowered by the Government to exercise all or any of such powers,
- (f) any Juvenile Court constituted under sub-section (1) of section 28 7

Courts
empowered
under this
Act.

Madras Borstal Act
6.
Madras Children Act
4
Bombay Children Act
5
Bombay Borstal Act
8

and may be exercised by such courts whether the case comes before them originally or on appeal or in revision.

Proceedure
when Magis-
trate is not
empowered
to pass
sentence
under this
Act.

Madras Children Act 5

Madras Borstal Act 57.

Bombay Children Act 6

Bombay Borstal Act 9.

(U.P. Act 5(2))

7. (i) When any Magistrate not empowered to pass sentence under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be detained in a Borstal School, he may, without passing sentence, record such opinion and submit his proceedings and forward the child or young person to the District Magistrate to whom he is subordinate or to the Magistrate presiding over the nearest juvenile court having jurisdiction in the case.

(ii) The District Magistrate or the Magistrate presiding over the juvenile court to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such child or young person had originally been brought before him or tried by him.

PART II.

YOUTHFUL OFFENDERS.

Bail of
children,
and young
persons
arrested.

Madras Children Act 18

Bombay Children Act 18

8. Where a person apparently under the age of eighteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of a police station to which such person is brought shall release him on bail if sufficient surety is forthcoming, unless, for reasons to be recorded in writing, the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reputed criminal.

Custody of
children
and young
persons not
discharged on
bail after
arrest.

Madras Children Act 19

Bombay Children Act 19

9. Where a person apparently under the age of eighteen years having been arrested is not released under section eight or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner, until he can be brought before a court having jurisdiction under this Act.

Remand or
committal
to custody.

Madras Children Act 20

Bombay Children Act 20

10. A court on remanding or committing for trial a child or young person who is not released on bail shall order him to be detained in the prescribed manner.

Attendance at
court of
parent of
child or
young person
charged with
an offence,
etc.

Madras Children Act 21

Bombay Children Act 21

11. (i) Where a child or young person is charged with any offence and brought before a court having jurisdiction under this Act, his parent or guardian may in any case and shall, if he can be found and resides within a

reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(ii) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(iii) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person: provided that if that person is not the father, the attendance of the father may also be required.

(iv) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

12. Where it appears to a court having jurisdiction under this Act that a youthful offender should, by reason of his criminal habits or tendencies or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the court, in lieu of passing a sentence of transportation or imprisonment, to pass a sentence of detention in a Borstal School for a term which shall not be less than three or more than five years:

Provided that, before passing such sentence, the court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

13. Any person detained in a Borstal School for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under section 124 of the Code.

Power of
Court to pass
sentence of
detention in
Borstal
School.

Madras Borstal Act 8

Bombay Borstal Act 6

(Madras Child Act 23(1))

Bombay " 23(1)

(U.P. Act 5. (1))

Limitation
on powers
conferred by
Section 12.

Madras Borstal Act 9

Bombay Borstal Act 10

U. P. Act 11

(14) Commitment of offenders to Borstal School sentenced prior to commencement of Act

Power of
Inspector-
General to
transfer
prisoners to
Borstal
School.

(15) 14. The Inspector-General may, subject to rules made by the Government, if satisfied that any youthful offender undergoing transportation or imprisonment in consequence of sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal School, direct that such person shall be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall thereupon apply to such person as if he had been originally sentenced to detention in a Borstal School.

Preliminary
inquiry and
finding as to
age of youth-
ful offender.

(16) 15. (i) Before passing a sentence under section 12, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

(ii) - A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under section 12 before submitting his proceedings and forwarding an youthful offender to the District Magistrate or to the Magistrate presiding over ^{the} Juvenile Court having jurisdiction in the case as required by sub-section (1) of section 7.

Period of
detention.

(17) 16. The order in pursuance of which a young person or child is sent to a Borstal School shall specify the time for which the young person or child is to be detained in the school being -

(a) in the case of a young person not less than three and not more than five years but not in any case extending beyond the time when the young person will, in the opinion of the court, attain the age of twenty-one years.

(b) in the case of a child such time as the court may deem proper for the teaching and training of the child but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of seventeen years.

Power to
discharge
youthful
offender or to
commit him
to suitable
custody.

(18) 17. A court may, if it shall think fit, having regard to the age, character, antecedents, physical or mental condition of the offender, instead of directing any youthful offender to be detained in a Borstal School, order him to be -

(a) discharged after due admonition or,

Madras Borstal Act 10

Bombay Borstal Act 11

(Madras Children Act

23(5)

Bombay Children Act

23(3)

(U.P. Act 7)

and 8(1)

Madras Borstal Act 11

U.P. Act 12.

Madras Children Act

24

(Bombay Borstal Act

17)

Bombay Children Act

32

Madras Children Act 25

Bombay Children Act 24

(b) committed to the custody of his parent or guardian or any adult relative, on such parent, guardian or relative executing a bond with or without sureties, as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months, and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

para 91

18. (i) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall, if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to
order parent
to pay fine,
etc., instead
of child or
young person.

Madras children Act 26
Bombay children Act 25

(ii) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(iii) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

19. (i) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provision of this Act it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

Detention in
the case of
certain
serious crimes
committed
by children
or young
persons.

Madras children Act 27
Bombay children Act 26

(ii) Notwithstanding the provisions of section 12, the Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

Methods of
dealing with
children and
young persons
charged with
offences.

(21) 20. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

Madras Children Act 28

Bombay Children Act 27

(a) by discharging the offender after due admonition ; or

(b) by committing the offender to the custody of his parent, guardian, or any adult relative, on such parent, guardian, or relative executing a bond to be responsible for his good behaviour ; or

(c) by so discharging or committing the offender and placing him under the supervision of a person named by the court ; or

(d) by sending the offender to a Borstal school ; or

(e) by ordering the offender to be whipped ; or

(f) by ordering the offender to pay a fine ; or

(g) by ordering the parent or guardian of the offender to pay a fine ; or

(h) where the offender is a young person, by sentencing him to imprisonment ; or

(i) by dealing with the case in any other manner in which it may legally be dealt with :

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

Government
to determine
the Borstal
School to
which youthful
offender
shall be sent.

(22) 21. Every youthful offender directed by a court to be sent to a Borstal School shall be sent to such Borstal School as the Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such court :

Madras Borstal Act 12

Bombay Borstal Act 13(1)

Provided that, if accommodation in a Borstal School is not immediately available for such youthful offender, he may be detained in a special ward or such other suitable part of a prison as the Government may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Removal from
one school to
another.

(23) 22. The Inspector-General may at any time order an inmate to be removed from one Borstal School to

Madras Borstal Act 13

Bombay Borstal Act 13(2)
(from prison to fort.)

another, provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

23. Where a person detained in a Borstal School is reported to the Government by the Superintendent and the Visiting Committee of such school to be incorrigible or to be exercising a bad influence on the other inmates of the School, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding—

(a) such unexpired residue, or

(b) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or

(c) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904,

whichever is shortest.

PART III.

CHILDREN AND YOUNG PERSONS NOT BEING YOUTHFUL OFFENDERS.

24. (i) In any area to which the Government shall direct that this section shall apply, any person authorised in this behalf in accordance with rules made by the Government may bring before a court any person apparently under the age of fourteen years who,

(a) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian or a parent or guardian who does not exercise proper guardianship; or

(b) is found destitute, not being an orphan and having both parents or his surviving parent or in the case of an illegitimate child, his mother, undergoing transportation or imprisonment; or

(c) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(d) frequents the company of any reputed thief; and the court before which a person is brought as coming within one of those descriptions, if satisfied on enquiry of

Transfer of incorrigibles, etc., to prisons.

Madras Borstal Act 14
Bombay Borstal Act 12

V. P. Act 19

Children liable to be sent to Borstal School.

Madras children Act 29

Bombay children Act 7

that fact, and that it is expedient so to deal with him, may order him to be sent to a Borstal School.

Power to
commit child
to suitable
custody.

(ii) Where under this Act a court is empowered to order a child to be sent to a Borstal School, the court, in lieu of ordering him to be so sent, may make an order for the committal of the child to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to
commit
young person
to care of
relative or fit
person in
certain cases.

(iii) Any police officer or other person authorised by the Government in this behalf may bring before a Court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in sub-section (1) and the court if satisfied on enquiry of that fact and that it is expedient so to deal with him, may make an order for his committal to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

(iv) The court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

Uncontrol-
able children

✓ Madon children Act 30
Bourlay children Act 8

(26) 25. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a Borstal School, the court, if satisfied on enquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

PART IV.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO BORSTAL SCHOOLS OR COMMITTED TO SUITABLE CUSTODY.

Contribution
of parent.

✓ Madon Ch. School Act 31
Bourlay children Act 28

(27) 26. (i) The court which makes an order for the detention of a child in a Borstal school under section 25 or for the committal of a child or young person to suitable custody under this Act may make an order on the parent or other person liable to maintain the child or young person to contribute to his maintenance, if able to do so, in the prescribed manner.

(ii) Any order made under this section may, from time to time, be varied by the court.

(iii) The persons liable to maintain a child or young person shall, for the purposes of sub-section (1), include in the case of illegitimacy his putative father:

Provided that where the child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the young person or child.

(iv) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

PART ~~VI~~ V

JUVENILE COURTS.

27. (i) The Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders (or licences) relating to a child or young person at which the attendance of the child or young person is required.

Juvenile
Courts,

Madras Children Act
36

Bombay Children Act
46

(ii) Where no such separate court has been established, the court before which a child or young person is brought shall, unless the child or young person is tried jointly with any other person, not being a child or young person, whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VI.

RELEASE ON LICENCE.

28. (i) Subject to any general or special directions of the Government, the Inspector-General, on the recommendation of the Superintendent and the Visiting Committee, may, at any time after the expiration of six

Power to
release on
licence.

Madras Children Act
15

Bombay Children Act
14

Bombay Children Act
36

U.P. Act 14

months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal School on condition that he be placed under the supervision or authority of any Government officer, or secular institution or person, or religious society professing the same religion as the inmate named in the licence who may be willing to take charge of him.

(ii) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired or the term for which the child or the young person was ordered to be detained in the School has expired, unless sooner revoked or forfeited.

(32) 29. Every licence granted under section 28 shall be in such form and shall contain such conditions as the Government may by rules direct.

Form of
licence.

Madras Borstal Act 16
U.P. Act 16

Revocation of
licence.

Madras Borstal Act 17
Madras Borstal Act 15
Bombay Children Act
U.P. Act 17 30(3)

Escape and
forfeiture of
licence.

Madras Borstal Act 18
Bombay Borstal Act 18
(U.P. Act 18)

(31) 30. Subject to any general or special directions of the Government, a licence granted under section 28 may be revoked at any time by the Inspector-General and where a licence has been revoked, the person to whom the licence related shall return to the Borstal School.

(32) 31. If any inmate escapes from a Borstal School or if any inmate absent on licence from a Borstal School, removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal School, a police officer not below the rank of a sub-inspector of police may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal School and his licence shall be forfeited with effect from the date of his escape or failure to return, as the case may be.

Absence
under licence
to be counted
towards
period of
detention.

Madras Borstal Act 19
Bombay Children Act
30(6)
(Bombay Borstal Act
14(3)
U.P. Act 15

(33) 32. The time during which a person is absent from a Borstal School under a licence shall be treated as part of the term of his detention in the School: provided that where that person has failed to return to the School on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the School.

33. Whoever—

(a) knowingly assists or induces directly or indirectly a youthful offender or child detained in or placed out on licence from a Borstal School to escape from the school or from any person with whom he is placed out on licence; or any child or young person to escape from the person to whose custody he is committed under the provisions of this Act,

Penalty for abetting escape of youthful offender or child.

Madras Children Act 34
Bombay Children " 31

(b) knowingly harbours, conceals or prevents from returning to School, or to any person with whom he is placed out on licence or to the person to whose custody he is committed under this Act, a youthful offender, child or young person who has so escaped, or knowingly assists in so doing, shall be punishable with imprisonment for a term which may extend to two months or with a fine not exceeding two hundred rupees or with both.

para 91

34. Whoever, contrary to any rule made by Government introduces or removes or attempts by any means whatever to introduce into or remove from any Borstal School, or supplies or attempts to supply outside the limits of any Borstal School to any youthful offender under order of detention therein, any prohibited article, and every officer or person in charge of a Borstal School, who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Borstal School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits, and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders.

U. P. Act 22

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding two months or to fine not exceeding two hundred rupees or to both.

PART VII.

APPEAL AND REVISION.

35. For purposes of appeal and revision under the Code of Criminal Procedure, 1904, a sentence of detention under section 12 of this Act shall be deemed to be a sentence of imprisonment for the same period.

Appeal and revision.

Madras Borstal Act
20

Bombay Borstal Act
21

Any person affected by an order of the Inspector-General under this Act may appeal to the Government whose orders shall be final.

Appeals. ✓

Madras Children Act
42

Bombay Children Act
51

(37) 36. (i) An appeal from an order made by a court under sections 18, 24, 25 or 26 shall lie,

- (a) if passed by a Juvenile Court or by any Magistrate other than a District Magistrate, to a District Magistrate;
- (b) if passed by a District Magistrate, to the Court of Sessions;
- (c) if passed by a Court of Sessions, to the High Court.

(ii) No appeal shall lie from any order passed in any such appeal.

(iii) Any order passed under the provisions of this Act and not otherwise provided for may be revised by the High Court.

PART VIII.

MISCELLANEOUS.

Discharge
and transfer.

Madras Children Act
35

Madras Borstal Act
21-A

Bombay Children Act
33

Bombay Borstal Act
17-A

(38) 37. (i) The Government may, at any time, order a youthful offender or a child—

- (a) to be discharged from a Borstal School either absolutely or on such conditions as the Government approves; or
- (b) to be transferred from one Borstal School to another.

(ii) The total period of detention of the youthful offender or child shall not be increased by any transfer under this section.

Presumption
and determination
of age. ✓

Madras Children Act
37

(39) 38. (i) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due enquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person, so

brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and where it appears to the court that the person so brought before it is of the age of eighteen years or upwards, the person shall, for the purpose of this Act, be deemed not to be a child or young person.

(ii) No court shall, in appeal or revision, interfere with any presumption or declaration as to age made under sub-section (1).

39. Where a child or young person is committed to suitable custody under this Act, the court in determining the person to whose custody the child or young person shall be committed shall endeavour to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion.

Provision as to religious persuasion. *S.P. Act 13A*
Madr. Children Act 38(2)
Bombay Children Act 47(2)

40. The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

Removal of disqualification attaching to conviction for offences. *U.P. Act 13A*
Madr. Children Act 39
Madr. Borstal Act 22
Bombay Borstal Act 20
 Control of Bombay custodian over a child. *Children Act 48*
Madr. Children Act 40
Bombay Children Act 49

41. Any person to whose custody a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent and shall be responsible for his maintenance, and the child or young person shall continue in his custody notwithstanding that he is claimed by his parent or any other person.

42. The Government may order any youthful offender to be transferred from a Borstal School within the State to a Borstal School in British India where there is any arrangement in that behalf between the Government and the Governor-General in Council.

Transfer of youthful offenders to Borstal Schools in British India. *Madr. Children Act 43(2)*
Bombay Children Act 33A
Bombay Borstal Act 13A
 Bonds taken under this Act. *Madr. Children Act 41*
Bombay Children Act 50

43. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

44. When a youthful offender during his period of detention in a Borstal School is again convicted by a criminal court, the sentence of such court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1904, but the court shall forthwith report the matter to the

Procedure when youthful offender under detention in a Borstal School is again convicted and sentenced.

Government which shall have power to deal with the matter in any way in which it thinks fit.

(44 - changed)
Madras children Act 22
Bombay children Act 22

45 Notwithstanding anything to the contrary contained in any law, no child or young person shall be sentenced to death, transportation, or imprisonment, or committed to prison in default of payment of fine or in default of furnishing security :

Provided that a child or young person may be sentenced to imprisonment not exceeding ten years or committed to prison as aforesaid where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a Borstal School and that none of the other methods in which the case may legally be dealt with is suitable.

First offenders.
Bombay children Act 27(2)

(47) 46. When a child or young person is convicted of an offence punishable with fine only and is sentenced to fine, the court may add a sentence of whipping in default of payment of fine unless action against his parent or guardian under sub-section (i) of section 18 is practicable.

Treatment of a child or young person.
Bombay children Act 9

(48) 47. (i) Whoever being the parent or guardian of any child or young person abandons, exposes, or wilfully neglects or ill treats such child or young person in a manner likely to cause unnecessary suffering or injury to the health of such child or young person shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 200 or with both.

(ii) For the purpose of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain any child or young person shall be deemed to neglect or ill treat him if he fails to provide him with such food, clothing, medical aid and lodging, as would, in the opinion of the court which hears the case, be suitable to his condition in life.

(iii) Nothing in this section shall be deemed to affect the right of a parent, teacher or guardian to administer reasonable punishment to a child or young person in his charge.

Encouraging begging by a child or young person.
Bombay children Act 10

(49) 48. (i) Whoever for his own prompt causes, or being the parent or guardian allows, any child or young person to beg in any public place shall be punishable with simple imprisonment for a term which may extend to three

months or with fine which may extend to Rs. 100 or with both.

(ii) The Government may, by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation. (Amended)

49. Whoever being the parent or guardian of any child or young person allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both. Permitting any child or young person to frequent brothel. (Bombay Children Act 11)

50. In any case in which a police officer not below the rank of a sub-inspector or a person authorised in this behalf in the prescribed manner, is of opinion that an offence under section 47 or 48 or 49 has been, or is likely to be committed in relation to any child or young person, he may cause such child or young person to be placed in safety in such manner as the Government may, by rule, prescribe: provided that such child or young person shall not, without an order of a court empowered under section 6 be detained for more than 24 hours in addition to the time necessary to produce him before such court. Custody of any child or young person in respect of whom an offence is committed or likely to be committed. (Bombay Children Act 14)

51. In any case in which any court empowered under section 6 has reason to believe that an offence under section 47 or 48 or 49 has been or is likely to be committed in relation to any child or young person within its jurisdiction, the court may cause the production of such child or young person by a search warrant and the provisions of the Code of Criminal Procedure, 1904, shall apply to such warrant as if it were under section 100 of the said Code. Search warrant. (Bombay Children Act 16)

52. (i) If any court empowered under section 6 after such enquiry as the court thinks reasonable is of opinion that any child or young person is allowed by the parent or guardian to be in circumstances conducive to the commission of an offence under section 47 or 48 or 49, the court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any such offence in relation to such child or young person and in default of his furnishing such security, the court may order him to suffer simple imprisonment for a term which may Bond by parent or guardian. (Bombay Children Act 16 ?)

extend to six months or to pay a fine which may extend to Rs. 100.

(ii) The provisions of sections 513, 514, 514-A and 516 of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this section.

Power to
make custody
order or send
any child or
young person
to Borstal
School.

53. Where the parent or guardian of any child or young person is convicted of an offence under section 47, or 48 or 49 or under Chapter XVI of the Indian Penal Code, 1860, in relation to such child or young person, the court shall have power (in addition to powers of sentencing the offender) to make a custody order in respect of such child or young person to send him to a Borstal School as if he were dealt with under Part II.

(Borstal children Act
1971 v 6)

(55) *Compensation for previous information, same*

Statement of Objects and Reasons.

The question of having a Borstal School in the State has been under the consideration of Government for some time past. A Committee was constituted in 1936 to examine the desirability and feasibility of starting an institution of the kind and to suggest the legislation necessary to give effect to their proposals. The Committee forwarded their report in March 1937. The Committee considered it desirable that young offenders should be provided with a place of detention other than the ordinary jail so that they may be reformed. They also forwarded the draft of the necessary legislation. The recommendations of the Committee were published for the information of the public and opinions invited.

The Bill deals not only with youthful offenders but also with juveniles who have not committed any offence but who, owing to want of parental control, bad association or other reasons, need protection and training. "Child" is defined as a person under the age of 14 years and, "young person" as one between 14 and 18 years. A person under the age of 18 years convicted of an offence punishable with transportation or imprisonment may, if the court considers it desirable to detain the youthful offender under instruction and discipline most conducive for his reformation, order his detention in a Borstal School. The Inspector-General of Prisons may, subject to rules framed by Government, direct that any youthful offender undergoing transportation or imprisonment shall be

transferred to a Borstal School. The minimum period of detention in a Borstal School is fixed at three years and the maximum five years. Provision is also made for the discharge after due admonition, or committal to the custody of the parent or guardian, of a youthful offender instead of committal to a Borstal School. Before taking such action the person's age, character and antecedents will be considered. Where a person detained in a Borstal School is reported to be incorrigible, the unexpired portion of the term of his detention may be commuted to imprisonment. Children who are found wandering without a home or associating with any reputed thief or whose parents or guardians are unfit to have their care, may be brought before the Court which may order them to be sent to a Borstal School or committed to suitable custody. Provision is made for the establishment of juvenile courts for dealing with charges against juveniles.

Provision is also made for the release of an inmate of a Borstal School on licence, provided he is placed under the supervision of a suitable person or institution willing to take charge of him.

In the interest of the well-being of children and the proper development of their character, provision is made for the punishment of offences against children such as ill treatment or encouraging them to beg or allowing them to frequent brothels.

The management and control of the Borstal School and the training, educational and industrial, to be given therein and the control of the inmates will be prescribed by rules under the Act.

5527

No. 742 Encl. 10th Juvenile Regulation 1937

B a n g a l o r e ,

Dated 20th March 1937.

22nd

Sub in favour of proposal
in the first instance.

First Mr. Jan

The General Secretary
to the Government of Mysore,
B a n g a l o r e .

23/3/37

GENERAL SECRETARY

Subject :- Establishment of a Borstal School for
Juveniles in Mysore.

23 MAR 1937

S i r

We, the undersigned members of the Committee

appointed by Government in G.O.No.8814-9 Pris. 43-34-7
dated 27th April 1936, "to examine the desirability and
feasibility of starting a Borstal School for Juvenile
offenders in Mysore and if it is found necessary to make
recommendation for framing a suitable scheme of work
and training, proper accommodation, establishment required
for it and to suggest ways and means for meeting the
expenditure involved and the legislation necessary to
give effect to the proposals," have the honour to present
the following report.

The Committee held five meetings on 17th June 1936,
1st February 1937, 2nd March 1937, 17th March 1937, and
20th March 1937. After the first meeting, there was a
change in the personnel of the Committee. The Inspector
General of Police (Mr.F.A.Hamilton) having proceeded to
England on leave, the Inspector General of Prisons was
appointed Chairman in his stead and two additional mem-
bers (Mr. R.Gopalswamy Iyer and Mr. M.V.Govindaswamy)
were also appointed to the Committee. Mr. H.V.Ramaswami
who served on the committee as District Magistrate,
Bangalore District, having succeeded Mr. F.A.Hamilton as
Inspector General of Police, Mr. Vedavyasacharya who
succeeded him as District Magistrate, took his place on
the Committee. After the third meeting, Mr. vedavya-
sacharya was succeeded by Mr. M.S. Ramachandra Rao, he
having taken over charge as District Magistrate.

2) Desirability and feasibility of starting a Borstal School

With the growth of towns and the resulting overcrowding and the creation of slum areas, the relaxing of parental control, and the consequent temptations and dangers to which young men become liable, the question of dealing with Juvenile delinquency has become a serious problem to-day. As in other large cities, so in Bangalore, it has been the common experience of the Police as well as of the general public that there are a number of Juveniles who have taken to crime as a means of livelihood. Various causes such as heredity, unemployment, vicious influences, bad company, destitution, and defective family relationship have contributed to the increase of young delinquents in the state. Boys are being systematically used as tools by professional criminals for the commission of crimes. These young delinquents are becoming a growing menace to society. It is a truism to say that the most hopeful method of reducing crime is to cut off the supply of the instruments of crime at the ~~xx~~ source. It is desirable to catch the potential criminal young before his faulty upbringing and environments have turned his petty departures into fixed criminal habits. To protect society it is better to adopt preventive measures to arrest the genesis and development of a criminal than seek measures for reforming him after he has turned ^{into} one. It seems, therefore, desirable that young offenders should be provided with a separate place of detention, one other than the ordinary Jail, so that they may be away from the contaminating influences of professional criminals. They should also be kept there sufficiently long so that they may not only throw off their criminal tendencies but also get some specialized treatment and some kind of vocational training which might enable them on release to earn an honest living. Considering the good results

produced in the Reformatory and Borstal schools established in the ^Presidencies of Madras and Bombay, it is high time that a similar House of correction should come into existence for the reforming and rehabilitation of young offenders in this State. From the statistical figures furnished by the ~~the~~ Inspector General of Police in his letters No. C2-275/34 dated 21st December 1934 to the Chief Secretary to the Government of Mysore and No. C-21/35 dated 29th November 1935 to the General Secretary to the Government of Mysore, it is clear that the number of Juvenile offenders is showing a tendency to increase from year to year and that the establishment of a Borstal School for at least 300 boys is an urgent necessity. It is also seen from the Annual Administration Report of the Police Department for the year 1935-36 that nearly one third of the crimes in Bangalore City during the year under report has been suspected to have been due to the work of juveniles. This is rather alarming. On a careful consideration of the matter, the Committee is in full agreement with the views expressed by the Inspector General of Police in his two letters above referred to regarding the desirability and feasibility of starting a Borstal School in Mysore.

3) Suitable place for the location of a Borstal School.

In his scheme for the establishment of a Borstal School submitted to Government so long ago as 1929, the Inspector General of Prisons, who is the Chairman of the present Committee, proposed on financial and other considerations, the adaptation of the Lock-up Building at Hassan for the purpose of locating a Borstal School in it at an estimated cost of Rs. 10,000/- The Inspector General of Police (Mr. F. A. Hamilton) who generally agrees with the above scheme, is also known to be in favour of locating the

Borstal School at Hassan for various reasons. But considering the fact that the old Lock-up building at Hassan has since 1929 further deteriorated and its adaptation will involve much larger expenditure to render it fit for use as a Borstal School and that even with such adaptation it will not afford sufficient accommodation for 300 boys, the Committee are of opinion that the Lockup Building at Hassan is not only inadequate but also decidedly unsuited for the purpose of a Borstal School and as such the location of the school should be elsewhere. The Committee is unanimously of the opinion that it is desirable to locate the Borstal School in the neighbourhood of the New Mental Hospital at Bangalore, where there are better facilities for the instruction of the inmates as well as for obtaining expert advice whenever necessary. For such an institution, Bangalore is from every point of view better suited than any other place in the state.

4) Scheme of work and training :

The Committee suggests that the inmates of the Borstal School may be given literary instruction entirely in Kannda. Such instruction may be limited to reading, writing, arithmetic and geography. As vocationalization of education is today an urgent necessity, the proposed literary instruction may be supplemented by training in the following vocations :- Carpentry, Smithy, Tailoring, Cane Work, Basket work, Gardening, and poultry farming. Drill, physical exercises, sports, and games should also form part of the course of training given and perhaps in the case of some, training for turning them into pipers and bandsmen may also be usefully thought of.

5) A c c o m o d a t i o n .

The chief feature of the proposed building for the

institution at Bangalore should be that it should look least like a Jail and most like an Educational Institution and a Hostel combined. This feature is intended to dissociate all connection of the institution ^{from} with the idea of a Jail which has some sinister notions connected with it. The Borstal School should preferably be in the shape of a quadrangle with two floors and an enclosure all round. The space included in it should provide for the following requirements :-

- 12 Dormitories, each to accomodate 25 boys, each boy being allowed not less than 36 sq.ft. of superficial area and 500 cubic feet of cubic space.
- 25 Separation Cells.
- 4 Workshops (one for carpentry and smithy, one for tailoring, one for cane and basket work and one for gardening and poultry farming)
- 1 Infirmary.
- 6 office rooms.
- 3 Class rooms, each to hold 50 boys.
- 1 Guard room.
- 2 Dining rooms.
- 2 Kitchens (one for vegetarians and one for non-vegetarians)
- 2 Kitchen stores.
- 1 Ration stores and cleaning room.
- 2 Latrines.
- 1 Isolation shed.
- 1 Fuel store.
- 1 Cattle shed .

The residential quarters for the executive and ministerial staffs and work instructors may be put up in a separate block outside the enclosure.

Regarding the lay-out of the new building, it is suggested that, if necessary, information may be obtained from Mr. Alexander Patterson M.C., His Majesty's Prison Commissioner for Borstal institutions, Home Office,

Whitehall, LONDON, S.W.I.

6) E s t a b l i s h m e n t .

As it is the spirit of the staff that counts more in an institution of this kind than the building, the Committee feel that unless the staff is suited to the requirements of the institution, little good can be expected from it. Accordingly the Committee recommends that the following establishment on the scale of pay noted against each is necessary for the efficient working of the proposed institution :-

1	Superintendent who will be a Medical Officer.	Rs.200/-
1	Sergeant who will also be a Bandmaster	Rs.35-5-50.
1	Steward Manager.	Rs.60-4-80
8	Supervisors.	Rs.15/- each
1	Peon.	Rs.12/-
2	Cooks	Rs.15/- each
2	Scavangers.	Rs.10/- each
1	Sub Assistant Surgeon.	Rs. 80 + 20
1	Accountant and Clerk.	Rs.35-2-40 ?
1	Typist.	Rs.25-1-30
2	Graduate Teachers with the B.A. (Hons) Degree in Psychology, ~~or those who have taken the B.T. Degree.~~	Rs.50-5-75 each
1	Moral Instructor.	Rs.30/-
4	Work Instructors.	Rs.24-2-30 each
1	Inspector of Physical culture.	Rs.24-2-30.

As the mental condition of young offenders is a matter calling for special attention in an institution of this kind and there is reason to believe that certain delinquents may be amenable to psychological treatment, the Medical officer in charge of the New Mental Hospital at

Bangalore should be made an official consultant, in connection with the proposed Borstal School.

7) Expenditure :

The following statement gives an estimate of the probable capital and recurring expenditure that may have to be provided for, for working out the proposed scheme and the probable income that may be expected to be realised by the sale of manufactured articles by the inmates of the School :-

CAPITAL EXPENDITURE :

Borstal Building.	RS. 2,00,000
Residential quarters.	RS. 30,000
Equipment, furniture and other necessary equipment (including tools and plant)	RS. 5,000
Total	RS. 2,35,000

RECURRING EXPENDITURE :

Establishment charges.	RS. 10,644
Maintenance charges of 300 inmates at RS.100/- per year per head including rations, clothing and other charges.	RS. 30,000
Contingencies.	RS. 2,000
Cost of raw materials.	RS. 2,000
Total	RS. 44,644

Against the annual recurring expenditure of Rs.44,644/- only a small income of Rs.4,000/- may be expected from the sale of manufactured articles.

The scheme being one in the interests of the general

well being of the community and particularly affecting the protection of society and the prevention of crime and dealing as it does with the important question of weaning off youthful offenders from Criminal habits and converting them into useful citizens, it is highly desirable that the Government should meet the capital and recurring expenditure from public funds and make necessary provision for the purpose in the annual Budget of the State for the year 1937-38, as the measure is one of urgent necessity.

8) Legislation :

The Committee accordingly submits the draft of a Regulation called "The Mysore Juveniles Regulation" for the consideration of Government. Instead of having a multiplicity ~~of regulations~~ of regulations such as a childrens' Regulation, a Borstal regulation and a Reformatory Regulation as in Madras, the more important provisions contained in all these three Madras Acts have been considered by the Committee and consolidated into one single regulation so as to suit the conditions prevailing in Mysore. The maximum age of the juvenile for purposes of admission into the Borstal school has been fixed at 18 years as that is the age at which under the criminal tribes regulation the members are deemed to become adults. The Regulation deals not only with youthful offenders but also with juveniles who have not committed any offence but who, owing to want of parental control, bad associations or other reasons need protection and training. provision is also made for the establishment of a Juvenile Court, which is a comparatively recent innovation and is deemed the best kind of tribunal for dealing with all

kinds of offences committed by young persons which cannot be met by a mere warning. The minimum period of Borstal Sentence has been fixed at three years and the maximum at five years, provision being also made for releasing on licence in suitable cases. There are certain penal provisions which operate as a sort of restraint on the parents and guardians who neglect children ^{under} ~~in~~ their care. The regulation has been made a fairly comprehensive one, including as it does some of the more important recommendations made in 1927 in the Report of the Departmental Committee on the treatment of young offenders in England, which may well be adopted for boys, the question of dealing with girl delinquents being taken up later as and when occasion arises.

9) Aftercare and probation :

While the importance of the Aftercare Associations and Probation officers has been fully recognised in England, where there is a Central Association working in conjunction with all existing Borstal institutions with Central Offices in London and associates throughout the country, most of whom are unpaid social workers, the system of release on licence has not developed in India for want of suitable social workers. The after-care of the Yerayada Reformatory School has been organised by its own staff, and that of the David Sassoon Industrial Reformatory at Bombay is in the hands of the Shephard Aftercare Association under the supervision of the Salvation Army. In conjunction with the Borstal School at Dharwar, the Bombay Presidency Borstal Association with head-quarters at Dharwar has been established.

At Lahore, the Borstal Institution has no separate after-care society but its inmates after release are taken care of and helped by the Punjab Prisoners' Aid Society. In Bengal, a society called the "Bengal Aftercare Association for Juveniles and Adolescents" has been established since 1928, having the Chief Justice of Bengal as its President, and they maintain a hostel in Calcutta for boys released on licence. In Madras, aftercare work has been organised under a Central Prisoners' Aid Society with branches in most of the Districts. There is no doubt that a similar Aftercare Association is desirable in this State to deal with inmates released on licence. It is a point for consideration whether unpaid social workers will come forward to form an Aftercare Association or to undertake the work of Probation officers. There may be a need to appoint paid social workers and Probation Officers in the beginning. Until such time as unpaid social workers freely come forward and take up the movement, after-care work in Mysore may be entrusted to the central Discharged Prisoners' Aid Society which has been in existence for some years past at Bangalore, with allied societies in the Districts. This Association may be financially helped to some extent, if it ~~is~~ undertakes this special work.

10) C o n c l u s i o n :

In submitting the above proposals the members of the Committee desire to express their sense of indebtedness to Government for having given them an opportunity to examine the question of establishing a Borstal School in the State to wean off youthful offenders from criminal propensities and help their conversion into useful citizens.

Alfred
31/1/38
Proceedings of the Government of His Highness
the Maharaja of Mysore.

R e a d :-

Government Order No.G.8814-8/Pris.
43-34-7 dated 27th April 1936 constituting a
Committee to examine the ~~desirability and the~~
question of ~~feasibility~~ of starting a Borstal School in
the State and to suggest the legislation neces-
sary to give effect to the proposals.

2. Letter No.742/F.45 dated 22nd
March 1937 from the Committee referred to in
the Government Order read above, submitting a
report in the matter together with a draft
Regulation.

O R D E R NO. *P3333-6/Pris. 118-36-4*
Gen. Report. 3.1.38!

Dated, Bangalore, the
The report of the Committee ^{will be} ~~is~~ pub-
lished for the information of the public.
Suggestions will be received till 1st
February 1938..

Government desire to convey their
thanks to the Chairman and the other members
of the Committee for the ~~thoroughness with~~
~~which they have completed the work entrusted~~
~~to them and for the very valuable report and~~
~~recommendations submitted by them.~~

no 16/1/37
MR General Secretary to Government

To
The Inspector General of Prisons.
The Inspector General of Police.
The Compiler, Mysore Gazette, for publica-
tion in the Gazette with a request to
send 400 copies of the report to this
office.
Press Table.

(Staff)
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mk.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 3333-6—Pris. 18-36-4, dated 3rd January 1938.

Borstal School.

Publishes the Report of the Committee constituted to examine the question of starting a —.

READ—

Government Order No. G. 8814-8—Pris. 43-34-7, dated 27th April 1936, constituting a committee to examine the question of starting a Borstal School in the State and to suggest the legislation necessary to give effect to the proposals.

2. Letter No. 742—F. 45, dated 22nd March 1937, from the Committee referred to in the Government Order read above, submitting a report in the matter together with a draft Regulation.

ORDER No. P. 3333-6—PRIS. 18-36-4, DATED BANGALORE,
THE 3RD JANUARY 1938.

The report of the Committee will be published for the information of the public. Suggestions will be received till 1st February 1938.

2. Government desire to convey their thanks to the Chairman and the other members of the Committee for their very valuable report.

M. VENKATESA IYENGAR,
*Secretary to Government,
General Department.*

To—The Inspector-General of Prisons in Mysore.
The Inspector-General of Police in Mysore.
The Compiler, *Mysore Gazette*.
PRESS TABLE.

Exd.—c. K.

APPENDIX.

No. 742—F. 45 (*Encl. One Draft Juvenile Regulation, 1937, Bangalore;*
dated 20th—22nd March 1937.

To

THE GENERAL SECRETARY TO THE GOVERNMENT OF MYSORE,
BANGALORE.

SUBJECT.—Establishment of a Borstal School for Juveniles in Mysore.

SIR,

We, the undersigned members of the Committee appointed by Government in G. O. No. 8814-8—Pris. 43-34-7, dated 27th April 1936, "to examine the desirability and feasibility of starting a Borstal School for Juvenile offenders in Mysore and if it is found necessary to make recommendation for framing a suitable scheme of work and training, proper accommodation, establishment required for it and to suggest ways and means for meeting the expenditure involved and the legislation necessary to give effect to the proposals," have the honour to present the following report.

The Committee held five meetings on 17th June 1936, 1st February 1937, 2nd March 1937, 17th March 1937, and 20th March 1937. After the first meeting, there was a change in the personnel of the Committee. The Inspector-General of Police (Mr. F. A. Hamilton) having proceeded to England on leave, the Inspector-General of Prisons was appointed Chairman in his stead and two additional members (Mr. R. Gopalswamy Iyer and Mr. M. V. Govindaswamy), were also appointed to the Committee. Mr. H. V. Ramaswami who served on the Committee as District Magistrate, Bangalore District, having succeeded Mr. F. A. Hamilton as Inspector-General of Police, Mr. Vedavyasacharya who succeeded him as District Magistrate, took his place on the Committee. After the third meeting, Mr. Vedavyasacharya was succeeded by Mr. M. S. Ramchendra Rao, he having taken over charge as District Magistrate.

2. *Desirability and Feasibility of Starting a Borstal School.*—With the growth of towns and the resulting overcrowding and the creation of slum areas, the relaxing of parental control, and the consequent temptations and dangers to which young men become liable, the question of dealing with juvenile delinquency has become a serious problem to-day. As in other large cities, so in Bangalore, it has been the common experience of the Police as well as of the general public that there are a number of juveniles who have taken to crime as a means of livelihood. Various causes such as heredity, unemployment, vicious influences, bad company, destitution and defective family relationship have contributed to the increase of young delinquents in the State. Boys are being systematically used as tools by professional criminals for the commission of crimes. These young delinquents are becoming a growing menace to society. It is a truism to say that the most hopeful method of reducing crime is to cut off the supply of the instruments of crime at the source. It is desirable to catch the *potential* criminal young before his faulty upbringing and environments have turned his petty departures into fixed criminal habits. To protect society it is better to adopt preventive measures to arrest the genesis and development of a criminal than seek measures for reforming him after he has turned into one. It seems, therefore, desirable that young offenders should be provided with a separate place of detention, one other than the ordinary Jail, so that they may be away from the contaminating influences of professional criminals. They should also be kept there sufficiently long so that they may not only throw off their criminal tendencies but also get some specialized treatment and some kind of vocational training which might enable them on release to earn an honest living. Considering the good results produced in the Reformatory and Borstal Schools, established in the Presidencies of Madras and Bombay, it is high time that a similar House of correction should come into existence for the reforming and rehabilitation of young offenders in this State. From the statistical figures furnished by the

No. P. 3333-6—PRIS. 18-36-4, DATED 3RD JANUARY 1938.

Inspector-General of Police in his letters No. C2-275—34, dated 21st December 1934, to the Chief Secretary to the Government of Mysore and No. C21—35, dated 29th November 1935, to the General Secretary to the Government of Mysore, it is clear that the number of juvenile offenders is showing a tendency to increase from year to year and that the establishment of a Borstal School for at least 300 boys is an urgent necessity. It is also seen from the Annual Administration Report of the Police Department for the year 1935-36 that nearly one-third of the crimes in Bangalore City during the year under report has been suspected to have been due to the work of juveniles. This is rather alarming. On a careful consideration of the matter, the Committee is in full agreement with the views expressed by the Inspector-General of Police in his two letters above referred to regarding the desirability and feasibility of starting a Borstal School in Mysore.

3. *Suitable Place for the location of a Borstal School.*—In his scheme for the establishment of a Borstal School submitted to Government so long ago as 1929, the Inspector-General of Prisons, who is the Chairman of the present Committee, proposed on financial and other considerations, the adaptation of the Lock-up Building at Hassan for the purpose of locating a Borstal School in it at an estimated cost of Rs. 10,000. The Inspector-General of Police (Mr. F. A. Hamilton), who generally agrees with the above scheme, is also known to be in favour of locating the Borstal School at Hassan for various reasons. But considering the fact that the old Lock-up Building at Hassan has since 1929 further deteriorated and its adaptation will involve much larger expenditure to render it fit for use as a Borstal School and that even with such adaptation it will not afford sufficient accommodation for 300 boys, the Committee are of opinion that the Lock-up Building at Hassan is not only inadequate but also decidedly unsuited for the purpose of a Borstal School and as such the location of the school should be elsewhere. The Committee is unanimously of the opinion that it is desirable to locate the Borstal School in the neighbourhood of the New Mental Hospital at Bangalore, where there are better facilities for the instruction of the inmates as well as for obtaining expert advice whenever necessary. For such an institution, Bangalore is from every point of view better suited than any other place in the State.

4. *Scheme of Work and Training.*—The Committee suggests that the inmates of the Borstal School may be given literary instruction entirely in Kannada. Such instruction may be limited to reading, writing, arithmetic and geography. As vocationalization of education is to-day an urgent necessity, the proposed literary instruction may be supplemented by training in the following vocations:—Carpentry, smithy, tailoring, cane work, basket work, gardening and poultry farming. Drill, physical exercises, sports and games should also form part of the course of training given and perhaps in the case of some training for turning them into pipers and bandsmen may also be usefully thought of.

5. *Accommodation.*—The chief feature of the proposed building for the institution at Bangalore should be that it should look least like a Jail and most like an Educational Institution and a Hostel combined. This feature is intended to dissociate all connection of the institution from the idea of a Jail which has some sinister notions connected with it. The Borstal School should preferably be in the shape of a quadrangle with two floors and an enclosure all round. The space included in it should provide for the following requirements:—

- 12 Dormitories, each to accommodate 25 boys, each boy being allowed not less than 36 square feet of superficial area and 500 cubic feet of cubic space.
- 25 Separation cells.
- 4 Workshops (one for carpentry and smithy, one for tailoring, one for cane and basket work and one for gardening and poultry farming).
- 1 Infirmary.
- 6 Office rooms.
- 3 Class rooms, each to hold 50 boys.
- 1 Guard room.
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- 2 Kitchens (one for vegetarians and one for non-vegetarians).
- 2 Kitchen stores.
- 1 Ration stores and cleaning room.
- 2 Latrines.
- 1 Isolation shed.
- 1 Fuel store.
- 1 Cattle shed.

The residential quarters for the executive and ministerial staffs and Work Instructors may be put up in a separate block outside the enclosure.

Regarding the lay-out of the new building, it is suggested that, if necessary, information may be obtained from Mr. Alexander Patterson, M. C., His Majesty's Prison Commissioner for Borstal Institutions, Home Office, Whitehall, London, S. W. I.

6. *Establishment.*—As it is the spirit of the staff that counts more in an institution of this kind than the building, the Committee feel that unless the staff is suited to the requirements of the institution, little good can be expected from it. Accordingly, the Committee recommends that the following establishment on the scale of pay noted against each is necessary for the efficient working of the proposed institution:—

	Rs.
1 Superintendent who will be a Medical Officer	200
1 Sergeant who will also be a Band Master	35—5—50
1 Steward Manager	60—4—80
8 Supervisors	15 each
1 Peon	12
2 Cooks	15 each
2 Scavengers	10
1 Sub-Assistant Surgeon	80—20
1 Accountant and Clerk	35—2—40
1 Typist	25—1—30
2 Graduate Teachers with the B.A. (Hons.) Degree in Psychology with the B.T. Degree	50—5—75 each
1 Moral Instructor	30
4 Work Instructors	24—2—30 each
1 Inspector of Physical Culture	24—2—30

As the mental condition of young offenders is a matter calling for special attention in an institution of this kind and there is reason to believe that certain delinquents may be amenable to psychological treatment, the Medical Officer in charge of the New Mental Hospital at Bangalore should be made an official consultant in connection with the proposed Borstal School.

7. *Expenditure.*—The following statement gives an estimate of the probable capital and recurring expenditure that may have to be provided for, for working out the proposed scheme and the probable income that may be expected to be realised by the sale of manufactured articles by the inmates of the school:—

CAPITAL EXPENDITURE.

	Rs.
Borstal Building	2,00,000
Residential Quarters	30,000
Equipment, furniture and other necessary equipment (including tools and plant)	5,000
Total	2,35,000

RECURRING EXPENDITURE.

Establishment charges	10,644
Maintenance charges of 300 inmates at Rs. 100 per year per head including rations, clothing and other charges	30,000
Contingencies	2,000
Cost of raw materials	2,000
Total	44,644

Against the annual recurring expenditure of Rs. 44,644 only a small income of Rs. 4,000 may be expected from the sale of manufactured articles.

The scheme being one in the interests of the general well-being of the community and particularly affecting the protection of society and the prevention of crime and dealing as it does with the important question of weaning off youthful offenders from criminal habits and converting them into useful citizens, it is highly desirable that the Government should meet the capital and recurring expenditure from public funds and make necessary provision for the purpose in the Annual Budget of the State for the year 1937-38, as the measure is one of urgent necessity.

No. P. 3333-6—PRIS. 18-36-4, DATED 3RD JANUARY 1938.

8. *Legislation.*—The Committee accordingly submits the draft of a Regulation called “The Mysore Juveniles Regulation” for the consideration of Government. Instead of having a multiplicity of Regulations such as a Children’s Regulation, a Borstal Regulation and a Reformatory Regulation as in Madras, the more important provisions contained in all these three Madras Acts have been considered by the Committee and consolidated into one single Regulation so as to suit the conditions prevailing in Mysore. The maximum age of the juvenile, for purposes of admission into the Borstal School, has been fixed at 18 years as that is the age at which, under the Criminal Tribes Regulation, the members are deemed to become adults. The Regulation deals not only with youthful offenders but also with juveniles who have not committed any offence but who, owing to want of parental control, bad associations or other reasons, need protection and training. Provision is also made for the establishment of a Juvenile Court, which is a comparatively recent innovation and is deemed the best kind of tribunal for dealing with all kinds of offences committed by young persons which cannot be met by a mere warning. The minimum period of Borstal Sentence has been fixed at three years and the maximum at five years, provision being also made for releasing on license in suitable cases. There are certain penal provisions which operate as a sort of restraint on the parents and guardians who neglect children under their care. The regulation has been made a fairly comprehensive one, including as it does some of the more important recommendations made in 1927 in the Report of the Departmental Committee on the treatment of young offenders in England, which may well be adopted for boys, the question of dealing with girl delinquents being taken up later as and when occasion arises.

9. *Aftercare and Probation.*—While the importance of the Aftercare Associations and Probation Officers has been fully recognised in England, where there is a Central Association working in conjunction with all existing Borstal Institutions with Central Offices in London and associates throughout the country, most of whom are unpaid social workers, the system of release on license has not developed in India for want of suitable social workers. The Aftercare of the Yeravada Reformatory School has been organised by its own staff, and that of the David Sassoon Industrial Reformatory at Bombay is in the hands of the Shephard Aftercare Association under the supervision of the Salvation Army. In conjunction with the Borstal School at Dharwar, the Bombay Presidency Borstal Association with headquarters at Dharwar has been established. At Lahore, the Borstal Institution has no separate Aftercare Society, but its inmates after release are taken care of and helped by the Punjab Prisoners’ Aid Society. In Bengal, a society called the “Bengal Aftercare Association for Juveniles and Adolescents” has been established since 1928, having the Chief Justice of Bengal as its President, and they maintain a Hostel in Calcutta for boys released on license. In Madras, Aftercare work has been organised under a Central Prisoners’ Aid Society with branches in most of the districts. There is no doubt that a similar Aftercare Association is desirable in this State to deal with inmates released on license. It is a point for consideration whether unpaid social workers will come forward to form an Aftercare Association or to undertake the work of Probation Officers. There may be a need to appoint paid social workers and Probation Officers in the beginning. Until such time as unpaid social workers freely come forward and take up the movement, Aftercare work in Mysore may be entrusted to the Central Discharged Prisoners’ Aid Society which has been in existence for some years past at Bangalore, with allied societies in the districts. This Association may be financially helped to some extent, if it undertakes this special work.

10. *Conclusion.*—In submitting the above proposals the members of the Committee desire to express their sense of indebtedness to Government for having given them an opportunity to examine the question of establishing a Borstal School in the State to wean off youthful offenders from criminal propensities and help their conversion into useful citizens. The question is one of great importance as much to society as to the State as a whole. As the question has been under consideration for a long time, it is hoped that Government will be pleased to give effect to the scheme at a very early date. It is the considered opinion of the Committee that its adoption cannot be delayed longer as the number of juvenile offenders is showing a dangerous tendency to increase with consequences too serious to contemplate.

No. P. 3333-6—PRIS. 18-36-4, DATED 3RD JANUARY 1938.

The Committee desire to express their thanks to the Secretary, Mr. R. P. Mallappa, who has been of great assistance in securing necessary information and in the preparation of this Report.

We have the honour to be.

Sir,

Your most obedient servants,

S. Subba Rao (*Chair man*),
H. V. Ramasvami,
R. Gopalaswamy Iyer,
M. S. Ramchandra Rao,
T. Ramachandra,
M. V. Govindaswamy,
C. Hayavadana Rao.

R. P. Mallappa (*Secretary*).

Also
12/1

P4066

~~18-36-5~~
18-36-5

7 11.1.38.

Notification.

It is hereby notified for the information of the public that the report of the committee appointed in G.O.No.G.3814-8/Pris.43-34-7 dated the 27th April 1936 to examine the question of starting a Borstal School in the State, has been published at page 2 of part I of the Mysore Gazette dated 6th January 1938.

Persons and institutions desiring to offer comment and criticism on the recommendations contained in the report may do so before the 1st February 1938.

Persons desiring to have copies of the report may get them from the undersigned. *General Secretariat*

By Order,

107438

General Secretary to Govt.

The Compiler, Mysore Gazette, for publication in the Gazette.

6
107438
vk.1.

GOVERNMENT OF HIS HIGHNESS THE RAJA OF MYSORE.

General and Revenue Secretariat,

No. P4066

Dated, Bangalore, 10th January 1938.

Pris. 43-34-7

NOTIFICATION.

It is hereby notified for the information of the public that the report of the committee appointed in Government Order No.G.8814-8/Pris. 43-34-7 dated the 27th April 1936 to examine the question of starting a Forestal School in the State, has been published at page 2 of part I of the Mysore Gazette dated 6th January 1938.

Persons and institutions desiring to offer comment and criticism on the recommendations contained in the report may do so before the 1st February 1938.

Persons desiring to have copies of the report may get them from the General Secretariat.

By Order,

K. S. S. S. S.
for General Secretary to Government.

To

The Compiler, Mysore Gazette, for
publication in the Gazette.

Jen/10.

1
Name of the person
or
the institution

Statement of suggestions received

Suggestion

1. Mr. V. S. Ramachandra, Assistant Master,
Govt. High School, Matheruram
 2. Secretary, Civil Liberties Union,
Mysore City
 3. Mr. T. R. Sreenivasayana, Shekharapuram,
Bangalore
 4. Secretary, The Mysore Civic & Social Progress
Association
- 1) The Supdt. of the School should be an educationalist instead of a medical officer.
 - 1) The minimum period of Borstal sentence may be reduced to ~~one~~ one year.
 - 1) The School may be located at Hassan for giving Country & open air feature ~~to the school~~ to it.
 - 2) The Supdt. should be an educationalist & that the other two teachers should be graduates.
 - 1) Training should be given in Spinning & Weaving and sewing also.
 - 2) Vegetable and fruit farm may be provided so that the inmates may be trained in agriculture horticulture.

3) There should be no separate cells

4.) Instructions in Tamil should be promoted
as many vagrant boys are said to be
Tamilians.

5) The Supt. who will be a Medical Officer
should have received training in General
Psychology

6 After-care associations should be formed to
guide the pupils after discharge from the school

7. The institution should be run on quasi govt
basis, the board of control consisting of offl.
& non-offl. members

2
18/3/28

Juvenile Bill

CLAUSE 2(iii).

In Bombay the word "convicted" has been replaced by the words "found guilty". This has been done to free the young delinquent from the stigma attached to the word "guilty" as far as possible. It is for orders whether such a change may not be made in our Bill also.

The word "guilty" occurs in the following clauses:
x2X 2(iii), 7(1), 18(1), 19(1), 40, 41, 46.

CLAUSE 12 & 16.

Both these clauses treat of the same matter, i.e. they limit the period for which a youthful offender may be detained in a Borstal School under the orders of a court. As the clauses stand, they are inconsistent with each other. Clause 12 is taken from the Madras Borstal Act and Clause 16 from the Madras Children Act. The former Act has no provision similar to our Clause 16 and the section in the latter Act corresponding to our Clause 12 is worded differently.

The Madras Act (Borstal) on which our clause 12 is based has been amended in 1936 to include the object of our clause 16(a). Clause 16(b) is not also included because the Borstal Act does not treat of children.

Clauses 24 and 25 also give power to a court to order detention of children where they are not alleged to have committed any offence. Clause 16 will not apply to such cases since it occurs in Chapter II dealing with young offenders.

It is for orders whether clauses 12 and 16 may not be combined or whether clause 16 may not be removed from Chapter II and recast and put in in the last Chapter so as to apply to all cases. Alternative Drafts are submitted.

CLAUSE 27.

The Juvenile Court which is established under this clause may according to the wording hear applications for licences also. But there is no provision under which such an application may be made to a court. This ~~is~~ is taken from the

taken from the Madras Children Act where the wording is similar to our Bill. It is for orders whether the words "or licences" may not be omitted.

CLAUSE 42. This clause gives power to transfer a youthful offender to a Borstal school in British India. But there is no corresponding provision for admitting a youthful offender ~~xxxx~~ transferred from British India. The Madras Children Act 43(1) gives such a power to their institutions. It is for orders whether it may also be incorporated. The present ~~xxxx~~ clause is the same the Madras Children Act 43 (2).

CLAUSE 22. This gives power to the I.G. to remove an inmate from one school to another. Such a power is given to Government by 37 (1) (b). It is for orders whether clause 22 is necessary in view of clause 37. The Madras Borstal Act from which this clause (22) is taken does not have a provision similar to our Clause 37 (1) (b). The Childrens Act which has a provision corresponding to our Clause 37 (1) (b) does not have a provision similar to our clause 22.

one

If clauses 12 and 16 have to be combined.

PRESENT CLAUSE 12

Where it appears to a court having jurisdiction under this Act that a youthful offender should by reason of his criminal habits or tendencies or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the court, in lieu of passing a sentence of transportation or imprisonment, to pass a sentence of detention in a Borstal school for a term which shall not be less than three or more than five years:

SUGGESTED ADDITION.

Same as the existing clause with the following addition.

more than five years, but in no case extending beyond the date when the youthful offender will attain, in the opinion of the court

- (a) the age of 21 years if a young person or
- (b) the age of 17 years if a child:

If clause 16 has to be removed to Part VIII.

(Notwithstanding the provisions of section 12, ^{the} ~~the~~ order in pursuance of which a child or young person ^{is} ~~is~~ sent to a Hostel School shall not specify a period of detention which will extend beyond the date when the child or young person will attain in the opinion of the court,

(a) the age of 21 years if a young person or

(b) the age of 17 years if a child.

Done
21-3-

A. J. [unclear] said that in the Moore State, there was an number of unscrupulous and ignorant individuals who were willing to take and were also willing to pay between the lines of the law with questionable interests or no interests at all in the law. This bill was introduced by all interested in the future of the State - with regard to the provision relative to public debt or interest by which the State would be able to pay the interest and the State would be able to pay the interest and the State would be able to pay the interest.

... if ...
... to commit ...
... adults ...
...

[illegible]

... .., measure.

He also said (Majorantavine ...)
... replica that it was the intention
... to enforce the law as early as
possible. Government hoped to make some provision
... to deal with ... to making a
... the same ...

All other ... will were
... .

4460/237

Bangalore.
26th Jan 1938

1.

The General Secretary
To
GENERAL SECRETARY
28 JAN. 1938
Government of His Highness The Maharaja
of Mysore,
Bangalore.

Sir,
In ~~view~~ ^{view} persuance of the notification in
The Mysore Gazette, in regard to the proposed
Borstal Institution, I beg to offer a
Suggestion.

In discussing the project the
Committee have put forth in a commend-
able manner, the need for keeping
this sort of an institution distinct from
the ordinary prison. But in
designating ^(the Superintendent) the key position, they have
given it away by suggesting a
medical man for the post. I
expect this has been done, taking
an analogy from the regular prison;

Though, how far it is justifiable even in the latter case is a matter for discussion.

I believe that in appointing a medical man, the scope of the institution would be limited considerably. The Doctor is naturally in a position to look after the bodies of his hands, but what is required here is much more than that. Even if, in addition to being a medical man the incumbent is an exceptional man in being sound in educational matters, he would still suffer from the limitations of his profession.

In suggesting that the Superintendent should also be the Medical Officer, the Committee have unnecessarily narrowed the circle from which they could choose a foreign person, to one wherein the members have had an outlook far different from the one required in this case.

It would be appropriate that an
Educationist should look after a
Borstal School.

I would be much obliged if you would
let me know what consideration my
suggestion receives.

I beg to remain
Sir

Your most obedient servant

Ramachandra Rao

V.S. Ramachandra Rao.

Assistant Master

Govt. High School,

Malleswaram, Bangalore.

M. SHANKARAIYA, B.A., LL.B.,
LAWYER

4523237
RAILWAY STATION ROAD,
MYSORE.

& *Secretary*
~~MUNICIPAL COUNCIL FOR~~

Dated 31st Jan 38.

Civil Liberties Union.
Mysore District

To.

The General Secretary
Government of Mysore
Bangalore.

No. 6.
Pres

GENERAL SECRETARY.
2 FEB. 1938

For Sir.

MR /

I have the honour to forward
herewith the Resolution of the Executive
Committee of the above union passed
in its meeting held on 27. 1. 38. after
considering the Report of the Postal
School Committee.

Resolution.

Read the Report of the Postal School
Committee.

" Resolved that a letter be addressed
to the General Secretary to the Government
of Mysore to the effect that in the absence
of a copy of the proposed Draft Regulation

it is not possible to offer detailed suggestions in the matter. But this Union desires to convey to the authorities that the fixing of the minimum period of Postal sentence at 3 years is neither desirable, nor proper, and that the minimum may be fixed at one year.

In view of the above Resolution
May I request you Sir to kindly send
a copy of the proposed draft Regulation
for further Consideration, thus enabling
the union to offer their suggestions.

Thanking you.

I beg to remain
Yours Faithfully

M. S. Anand
Secretary

4646/37
From. G. R. Suryanarayana
Post. House
W. G. Sheshadri prasad
c/o,
Mallanur post

7

GENERAL SECRETARY

7 FEB. 1938

pro

Sir,
BKR

The General Secretary to Government
of Mysore,
Bangalore.

In response to your Ep. No. P.

3333-6-Pris. 18-36-4, Dated Bangalore
the 3rd Jan. 1938, I have the honor
to bring the following suggestion
to the consideration of Government.

I am an advanced student
of Mental and Moral Sciences, and
Education and a specialist in up to date
movements in social pathology
and ethics; Combined with the
best experience and first hand
study of the best educational institutions
I have particularly studied the
Subject with particular reference
to the local conditions of Mysore
P.T.D.

Now, as a Social worker for some time
I have done some Survey and
research work in the line. With the
best of my judgement and experience,
I expect:—

Re: (1) Suitable place for the location
of the Borstal School,—

In order to reconsider my
first preference to Hassan, I visited
the New Mental Hospital, and no
one could say anything affecting its
high standard and best equipments.
But the following are in favour of
locating it at Hassan:—

(1) Bangalore being itself the
centre of infectious evils to be dealt
with by the Borstal institutions (vide
M. A. S. J. and police administration
reports), the surrounding city
atmosphere of the "Zan" Civilization

are not wholesome and salutary

Further, the benefits provided by the Barisal School, might lead to abuses of its use by further relaxations and more negligence of parental control over children, by the vast majority of delinquent parents as the mill workers etc who live in direct attraction and view of the institution at Bangalore. In fact it might actually lead to committing of an offence to get into the institution. It should be made more deterrent than it is. Besides at Bangalore more non-Mysoreans may take advantage of the institution, than Mysoreans.

(2) Harwar has wholesome and salutary social surroundings, and free from any bad influences. Its elevating atmosphere with absence of excitement of the city, provides good open and safe place for the boys to go about without fear of any contagion of vices. The fear and the idea of being deported to a far off place or a distant strange place provides a deterrent influence at the source of these evils, which are mostly industrial centres as Bangalore and Kolar.

Also, I am not influenced by any local patriotic zeal for Harwar and the Malabar. The population
D.F.O.

excesses and consequent congestions at the cities have to be combated by proportional and healthy distribution of the population in the State. The Government's policy of improving and developing the 'Malabar' may also be considered in this connection. An institution of the type under consideration being planted at Hassan, and concentrating on the requirements of skilled labour, and other artisans to colonise the 'Malabar' would be a master stroke solution of several of the problems of the State. Besides, the patronage and after-care of the boys

P.T.O.

by any organisation is justified
for the purpose, than supporting
them in the congested City place,
and unduly giving them
advantages over the better
competents, (by intelligence
and work, for

Rev. 4. Scheme of work and Training:-

In formulating the
curriculum and the syllabus,
regard should be had to the
particular local ~~sect~~ ^{environs} and
requirements of the state. It
should be noted that just as
much as without a proper
survey of geographical, commercial
and other conditions & capital
undertakings as Railways etc.
cannot be undertaken; so
also without a proper systematic

D-7.10-

and Scientific Survey of the Situation
by competent experts, would
avoid much waste. Just as
physical diseases, these mental and
social evils are short and long
tenured; and should be variably
kept or treated to different tenures.
The application of the latest tests etc
of the Bureau of Industrial Psychology
London, in selecting and advising
proper career is particularly advocated.

Re: Moral teaching and
Character training - it is no use
engaging out-of-date pundits
to teach defunct rig-morale
ethics. I am myself doing
some research work in the matter,
as 'anti-poverty-culture' etc, which
takes a Comprehensive and Systematic
building up of the intellectual,

emotional and other components of the working personality and habit building.

Further, if by psychological tests etc., it is found that a boy is not necessarily to go round the full-time course of the institution he may by flight or short-time treatment, be recruited to some place, to wit, the Government Electric factory - and such other developing institutions of the State.

Re: 526: The institution should
be par-excellence educational
and a Moral-clinic
and with this view I expect that the Superintendent should invariably be par-excellence a great educationalist with
D-70.

exalted missionary spirit. If a Medical officer with these aforesaid qualification could be procured it should be considered. As the working of the Salvation Army and other institutions record ~~it~~ in the governing missionary atmosphere should be unmixed. Men of approved missionary zeal with wide extensive general knowledge and administrative experience, should only be appointed. It should also be prescribed that the Superintendent should have passed the 'Mysore Educational Officers Examination'.

Therefore, under establishment no. 1, it be altered "Superintendent who will be a Medical officer R.T.O."

or an educationalist, with the
afore said qualifications.

I feel so strongly in the
Case, Sir, that I request that I be
personally given an opportunity
to state my Case before the Committee

Re: 1 Sub-Asst. Surgeon. As and
when the Superintendent is an
Educationalist instead of a Medical
Officer, then two Sub. Asst. Surgeons
should be appointed.

Re: 2 Graduate Teachers with
the B.A. (Hons.) degree in Psychology
with the B.T. degree.

The above should be changed
to ' 2 Graduate Teachers with the
B.A. (Hons.) degree in Mental and
Moral Science, with the B.T. Course
or any other recognised Diploma
in Social work. As the institution

B.T.O

is par excellence an educational
institute and a moral clinic,
the teacher should also be qualified
in Ethics, particularly Social Ethics, —
which is the creative aspect along
with Psychology which is but factual
investigation in mental life. It
should be emphasised that the institution
educates not only mental but
also the moral life in particular.

Therefore, Graduates who have studied
both Psychology and Ethics should be
given preference. To Service of
distinguished and specialists who
are graduates in Mental and Moral
Sciences (including psychology) and
have particularly studied the
educational aspect of the delinquent
by advanced post-graduate Diploma
Course (especially a foreign degree),
should not be missed, the clause
P.T.O

Should be appropriately adjusted.

Or, one of the two teachers might be one with the B.A. (Hons.) degree in psychology with B.T. degree, and the other with B.A. (Hons.) degree in Mental and Moral Science with approved proficiency in social work.

As and when the Superintendent is one of the above Category, only one graduate teacher should be appointed.

Q: 9. After Care and Probation:-

I would draw special attention of the Government to consider whether it should not be considered to partly use the 'Muzrai funds' for this purpose.

as per principle of its foundation 'in Situ', -
it is included as one of the bonafide
purposes of that fund.

Pressed for time, I beg to
be excused for rough sketching of
these suggestions than ^{alacritic} drafting.

However, Sir, I shall work
out a more systematic and
comprehensive report in the
matter, should an opportunity
be given to me.

I have the honour to be, Sir,
an ardent citizen of
the Mysore State,

1-2-38. G. R. Srinarayana.

THE MYSORE CIVIC AND SOCIAL PROGRESS ASSOCIATION

79 Fifth Road,

PATRON:

HIS HIGHNESS SIR SRI KANTIRAVA NARASIMHARAJA WADIYAR BAHADUR, G.C.I.E.
YUVARAJA OF MYSORE.

VICE-PATRON:

AMIN-UL-MULK
SIR MIRZA M. ISMAIL, K.C.I.E., O.B.E.,
DEWAN OF MYSORE.

PRESIDENT:

RAJASABHABHUSHANA DEWAN BAHADUR
DR. SIR K. P. PUTTANNA CHETTY, KT., C.I.E., LL.D.

VICE-PRESIDENTS

RAJAMANTRAPRAVINA DEWAN BAHADUR MR. K. MATTHAN, B.A.

Rajadharmaprasaktha Mr. K.

To Shankaranarayana Rao, M.A., B.L.,

The Secretary to Government,

General Department,

Bangalore.

Sir,

With reference to G.O.No.P.3333-6-Pris.18-36-4 dated 3rd January 1938 inviting suggestions on the Report of the Committee constituted to examine the question of starting a Borstal School in the State, I am directed to forward herewith a note embodying certain suggestions for the kind consideration of Government.

There has been a slight delay in forwarding the note, which may kindly be overlooked.

I have the honour to be,

Sir,

Your most obedient Servant,

Johnnie

Honorary Secretary,

The Mysore Civic and Social Progress Assn,
Bangalore City.

4653/337
P

CHAMARAJAPET
BANGALORE CITY

7th February 1938.

GENERAL SECRETARY
7 FEB. 1938
Pris

THE MYSORE CIVIC AND SOCIAL PROGRESS ASSOCIATION.

SUGGESTIONS ON THE BORSTAL SCHOOL SCHEME.

1. The dangers of mis-led boys staying in the Central Jails where even murderers are kept cannot be over-emphasised.

More-over the psychology and methods of a Jail are certainly not those with which boys will be helped to a proper place in society.

In fact, the urgency of this matter ought to have been more greatly ~~emphasised~~ emphasised.

2. It is best to locate the school near Bangalore well out of the City so that the atmosphere might be definitely village.
3. Training ought to be given in spinning and weaving-especially in these days in India.
4. Training ought also to be given in dairying-- moreover as there is to be a dairy farm- boys might well do most of the work in connection with same.
4. Weaving and spinning room might be put with tailoring room- or separate is better. It is doubtful whether 3 class rooms are enough.

There ought to be a vegetable and fruit farm where boys could learn agriculture and horticulture.

Separate cells are undesirable. Much better would be hostel rooms where small " Family" Groups might be together with a trusted elder boy as leader. Everything possible must be done to take away the atmosphere of the Jail. The boys must feel that this is a home-- a real home where all may live a rich life together.

Must not some Tamil training be provided? Many ~~boys~~ vagrant boys of Bangalore are said to be Tamil---they must be cared for.

5. The Superintendent ought not only be a M.O. but also one well trained in Boy Psychology and especially in General Psychology. If the Superintendent does not have this training, then certainly the headmaster, who might be in direct charge of boys, ought to have such training. If this Institution is to rise to its possibilities, then there must be one who has direct charge of the boys and knows how to call forth the best from them. This is not a Jail-- we must always remember-- rather, a training school for citizenship.

6. We wish it might be possible to arrange for " Guardians" when boys are released on parole, or even permanently. It would seem that such might be available in such as advanced State as Mysore. The boys do need personal contact and guidance even after they leave their school. This will not be cared for by any formal institution. And, certainly, the work with boys ought to be on a very different basis ^{from} than that of " Prisoners Aid Societies" although it is admitted that such societies might do much good work if there is nothing better to care for dismissed boys. Our own feeling is that if this Borstal School comes into being, then a new organisation might well ask for volunteer " Guardians" who would be " ~~El~~ Elder brothers" to dismissed boys.

7. We are of the firm conviction that such an institution as this can be best carried ~~on~~ on, on a semi Government-Private basis.

ought to be formed at once - semi-official to care for such boys. Such an organisation

Continued.

8. The Board of Control ought to include both Government and Private men. If the work of the institution could be placed before the public and they would make their contribution, all the better. If there were workers who might come in on a sacrificial basis on other than a Governmental basis-- all to the good. Some private citizens might give part-time to this work. If it had this private nature, it would be all for the good and also draw forth more interest on the part of the public.

Copy

B. Shinnery

Hon. Secretary

The Empire State Social Reform Association

Juniors Bill

General and Revenue
Secretariat

File No.

of 193 .

[App. F. III-2

Serial
No.

The Bill provides for detention in Boarding Schools of youthful offenders & protection of children. The Bill comprises the provisions of the Madras Children Act and the Madras Boarding Act. The Madras Children Act deals with children under 14 years of age, young persons between 14 & 16 & youthful offenders under 16. The Boarding Schools Act deals with adolescents between 16 & 21. They have two different classes of institutions for the classes of juveniles. In the Bill only one class of institution in the Boarding School is contemplated. While it is desirable to detain all these.

of delinquents in our place
is a point for consideration.

It is also a point
for consideration whether
the scope of the Bill
may not for the present
be limited to the
scope of the Madras
Children Act

Under (2) & (3) the upper limit
of age in the case of
"young persons" is placed
at eighteen which in
Madras it is sixteen.

if necessary
MR

2. (5) The Borstal School is defined
as an institution in
which youthful offenders
are given training. But
provisions in clauses
21 & 25 seem to contemplate
the sending of children
or young persons other
than youthful offenders
to Borstal schools. The
definition perhaps

Serial
No.

I have made
a different suggestion
BR

Not necessary
BR

I have made
necessary changes
BR

be worded as follows: -

"Borstal School" & shall mean a ~~convict~~ institution which is established under the Act."

4. The provision in sub-making may come in the end.

The clause will have to contain provisions as in clauses (K), (L), (M) & (N) of the Madras Children Act, 1926.

5. Children other than youthful offenders may also be sent to Borstal School.

Whether this provision necessary is a point for consideration. It is not found in the Madras Children's Act but one in the Borstal Act. If this clause is retained the Prisons Act 1870 should also be made applicable.

12. In the second provision

in the first line "may"
may be changed to "shall".

This provision is similar
to that of S. 22 of
the Madras Children
Act. In that section

there is a general
prohibition to send
a child or young
person to transportation
or imprisonment etc.

where the person is
found guilty the court
may however pass such
sentence. In cl. 12

of the Bill no such
prohibition is provided
for. But the court
may in some cases
send the person to

Industrial school instead

of ~~such~~ committing
him to prison. When

the person is found to
be guilty the court

I have made
a different
suggestion
BKR

Serial
No.I agree
BKRNot necessary
BKRI agree
BKR'Seventeen' may
remain
BKRNot necessary
BKR

is bound to send him to
14. ~~prison~~ This is unnecessary in view of S. 15.
17. The words "youthful offender"

mean, to include the term for
"young person"

18. The words "having regard
to the age, character, and
conduct, to physical or
mental condition of the
offender" may be added
after "I think fit" as
in S. 562 (14) Cr. P. Co

25(2)(3) Whether a child should
be kept in custody till
seventeen years of age
or eighteen years of
age is a point for
orders. Young person
is defined as one with

24. The necessity for (3) is also not
28. This ~~is~~ ^{Section} may, perhaps
be inserted after S. 7.

29. (2) Release under this rule
may apply to a child
sent to the school

under section 25 or 26 and
it cannot be said that
the sentence in this
case shall run till
the period of sentence
of detention in words
of the term for which
the child or young person
was ordered to be
detained in the school "has expired"
may be inserted after
"expired"

Agree
MAR

36 This section seems unnecessary
in view of what is
provided for in S. 37.

Section 36
Should remain
MAR

39 This is perhaps unnecessary
as provision is already
made in S. 16 for inquiring
the age in case of
youthful offenders. It
is enough to provide
further for inquiring the
age before passing
orders under S. 25 or 26.
Provision is made in

This clause
should also remain
MAR

Serial
No.

those sections for the court
satisfying an enquiry about
the fact.

45. The necessity for this
provision is not clear.
Detention in a Borstal
School is not a sentence
of imprisonment and
the question of the
commencement of a
subsequent sentence
after the expiry of the
first does not arise.

46. A separate section here
this seems unnecessary.
That the imprisonment
should not exceed 10 years
may be indicated in
the second proviso to S.
itself. It may perhaps
be enough if a separate
provision is made
that no child or young
person should be sent
to death as in S 22 of
the Madras Children Act

This clause
also may remain
BKR

I have made
a separate
Appendix
BKR

47. It has also seems unnecessary
as there is sufficient
provision under the
Whipping Act 1903 to
punish ^{a juvenile offender} the whipping
in case of any
other punishment.

This clause
also should remain
to OKR.

48-53. I have followed the
provisions of Part III
of Bombay Children
Act with slight
variation.

S. 53 is not clear.

S. 54 & 50 relate to the

offences by parent in
regard to a child or

young person. It is
not clear how a parent

can be said to place
a child in circumstances
conducive to the commission
of such offence. The

wording of the sections

may perhaps be modified

on the lines of S. 108 Cr. P. Code.

The clause
may remain
OKR.

Juvenile Bill

5339/37

General and Revenue
Secretariat

File No.

of 193 .

[App. F. III-2]

Serial
No.

I agree
MR

535. Reference to S. 51 is misleading. There is no provision in S. 51 for acting on the information of any complainant. There is nothing in that section for the police to act suo motu. In the Bombay Act the magistrate acts under S. 16 on the information of a person interested in the child. I would like to see the remedy under general law of tort for malicious prosecution. This Section may perhaps be omitted. Subd. for orders.

SL
12/3/38.

Serial
No.

The Select Committee to Consider the juvenile
Bill is fixed to meet on the 24th and 25th
instants. (P. 7 V)

~~Am. Ord.~~ A draft notice of the meeting is submitted

put up 4 days hence

~~Am.~~
11.3.39
0000

by
11.3

resubmitted as ordered above.

~~Am.~~
15.3.39

0000
by
16.3

Print P4943 - 8 dated 17.3.39 to members & Sec

P. 10 1st minute, de office and 0.6

=

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P4943-8 Dated, Bangalore, 17.3. 1939

Official Memorandum.

A meeting of the Select Committee appointed to consider the
Mysore Juvenile Bill will be held in the ^{Legislative} Chambers of
~~the first Member of Council~~ Council House ✓
Public Offices Buildings, Bangalore
at 1 pm on Friday the 24th March 1939.

By Order,

h.p.
16.3

Secretary to the Committee.

To

The members of the S.C. Circle List

- Cop^y to ✓ (1) P.A. to 1st member with a copy
✓ (2) L.C. office do of Members
✓ (3) O.B. for kindly arranging for seats and lunch do

Select Committee on the Mysore Juveniles Bill.

1. ~~Mrs. Yeshodhara Dasappa.~~ *(signed from L.C.)*
2. Mr. T.Ramachandra.
3. " H.Siddaiya. *(signed from L.C.)*
4. " R.Chennigaramiah.
5. Rajasevaprakta
B.T.Kesavaiahgar.
6. Rajasevasakta
B.K.Narayana Rao.
7. " E.G.McAlpine.
8. " Mirle N.Lakshminaranappa.

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

Но. Р4943-8

Dated Bangalore the 17th March 1939.

Official Memorandum.

A meeting of the Select Committee appointed to consider the Mysore Juveniles Bill will be held in the Chambers of the First Member of Council, Public Offices Buildings, Bangalore at 1 P.M. on Friday the 24th March 1939.

By Order,

17.3

Secretary to the Committee.

To

The Members of the Select Committee.

~~XXXXXXXXXXXX~~ XXXXX B.O.B. L.L.B.

Advocate and Member, Mysore Legislative Council.

~~SECRET~~

MYSORE JUVENILES BILL.

Select Committee Report.

We the members of the Select Committee to which the Mysore Juveniles Bill was referred, have considered the various clauses of the Bill and have the honour to submit this, our report.-

Clause 2 (v) As we consider that power should be taken to recognise Private Institutions for the reception of youthful offenders, young persons or children and to apply the provisions of this Act to such institutions, we recommend that the definition of "Borstal School" may include such institutions also.

The words "or recognised" may be added after the word "established" in this clause.

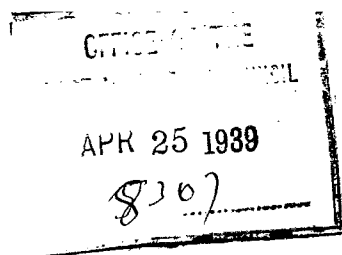
Clause 3(i). To include private institutions, this clause may be recast as follows:--

"For the purposes of this Act, the Government may establish one or more Borstal Schools or may recognise any institution considered fit for the reception of youthful offenders, young persons or children as a Borstal School."

Clause 4(3). The word "local" before the words "official Gazette" and the words "and on such publication shall have effect as if enacted in this Act." at the end of this sub-clause may be omitted as unnecessary.

Clauses 8 & 9. The age limit of persons to whom these clauses will apply may be reduced from 18 to 16 to bring this law into conformity with British Indian enactments. We accordingly recommend that the word "sixteen" may be substituted for the word "eighteen" in these clauses.

Clause 11(1). Since a child or a young person



submitted for approval
(by members)

by
9.4.39
24.4

ru

26/4/39

by
26.4

who is not charged with an offence can be brought before a court only on an application under Clause 24, we recommend that the words "and brought before a Court" may be replaced by the words "or is brought on an application under Section 24 before a Court".

Clause 23. Since clause 3(ii) authorises the Government to appoint a Committee of Visitors, the expression "Visiting Committee" may be changed to "Committee of Visitors".

Clause 24(i). We recommend the addition of another clause on the lines of the Madras Children (Amendment) Act, 1937, as follows:--

" or
"(e) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child."

Clause 24 (iii). Following the addition we have made to Clause 24(i) and in accordance with the Madras Act 1937, we recommend that a proviso may be added as follows:--

"Provided that a girl coming within the description mention in clause (e) of sub-section (i) may be committed to such custody until she attains the age of eighteen years or for any shorter period".

Clause 27(i). As the Juvenile Court has no power under the other provisions of this Bill to hear applications for licences, the words "or licences" may be omitted.

Clause 28 (i). The expression "Visiting Committee" may be changed to "Committee of Visitors".

As the Bill has not been altered materially, we do not recommend its republication.

Report of the Select Committee Meeting
to consider the Mysore Juveniles Bill, held in
the FIRST MEMBER's Chambers on 25th March 1939.

P r e s e n t.

1. Rajamantrapravina N. MADHAVA RAO, B.A., B.L.,
(Chairman)
2. Mr. E. G. McAlpine, B.A., Dip.Edn., V.D., J.P., &
3. Rajasevasakta Dr. B.V. Narayana Rao, B.A.,
M.B.O., M.R.O.S., D.P.H., D.O., &
4. Rajasevaprakashta B. N. Kesavaiah, B.A., &
5. Mr. T. Ramachandra &
6. Mr. Chennigaramiah &
7. Mr. Mirle M. Lakshminaranappa, B.A., LL.B., &

Preamble.-

Add the definite article 'the' before the
word 'detention' in line 4.

Short Title
extent.

1. (i).- No change.
- (ii) Delete the words 'in the State of
Mysore' in line 4.

Definitions.

2. (i) to (ii).-No change.
- (iii) For the definition of "youthful
offenders" the age of 16 ^{years} ~~taxxi~~ may be adopted
as in the Madras Act.

(iv) "Guardian" - No change.

(v) "Borstal School"- Add the words
'or recognized' after the word 'established'
enable Govt. to
in line 2 so as to include any private insti-
tution considered fit for the reception of
youthful offenders and recognise the same as a
Borstal School for the purpose of this Act.

(vi) and (vii).-No change.

CLAUSE 3 (i).-Add the following words
at the end of this sub-clause:

"or recognize any institution considered
fit for the reception of youthful
offenders or children , as a borstal
school."

CLAUSE 4 (g).-For 'section 25 (i)'
read 'section 24 (i)'.

(j).-For 'or' read 'of'.

Clause 4 (3).-Delete the word 'local'
before the words 'official Gazette' and delete
all the words occurring after the word 'Gazette'
in the same sub clause. These words are
superfluous because under Clause 23 (v) of the
General Clauses Act, when once the rules are
published in the Gazette. such publication shall
have effect as if enacted in ^{that} ~~this~~ Act.

Clause 6 (f).-Read 'section 27' for
'section 28.'

Clause 7.-No change.

Clause 8.- Read 'sixteen' for 'eighteen'
occurring in line 2. In line 6 of the same
clause, read 'reasons' for 'reason'.

Clause 9.-Substitute 'sixteen years' for
'eighteen years' in line 2.

Clause 10.-No change.

Clause 11.-(1).-Substitute the words
'or is' for 'and' and add the following words
after 'brought' in line 2: 'on an application
Section 24.'

Clause 14.-In line 4, add the definite
article

article 'a' before the word 'sentence'.

Mr. B.K. NARAYANA RAO doubted whether the power sought to be given to the I.G. of Prisons under this clause would not affect the majesty of the law and tantamount to superseding the orders of the court.

The CHAIRMAN explained that when once a sentence was passed and the person put into prison, it was a matter left to the I.G. and the Govt. to see how that sentence was served out. It might be that the I.G. might transfer a prisoner from one jail to another or if other circumstances supervened, he might transfer the prisoner to a Leper Asylum or Mental Hospital. Transfer of a prisoner to a borstal school contemplated in this Section was on the same footing as his transfer to other institutions of detention. Such transfer could, however, be effected only after the I.G. satisfied himself (by watching the prisoner's conduct and forming independent judgment for himself about the advantage^s of such detention. Thus there was no question of interfering with the majesty of the law.

Clause 15 (ii)- Add the indefinite article ~~the~~ 'a' before the word 'juvenile' in line 3.

Clause 16.-Insert a comma after the word 'School' in line 2.

Clause 17 (b).-In line 6 of this sub-section, the words occurring after 'twelve months,' be taken to a separate line.

Clause 23.-Substitute the words 'Committee of Visitors' for the words 'Visiting Committee'.

Clause 24.- Add a new sub-section (e) from the provisions of the Madras Juveniles Act re. custody of girls till they are 18 years old or earlier.

PART V- JUVENILE COURTS.

Clause 27.-Delete the words 'or licences' in line 4.

Clause 28.-Substitute 'Committee of Visitors' for 'Visiting Committee' in lines 3 and 4.

In line 8, insert a comma after the word 'life'.

Cl. 31.- Delete the words 'or police' in line 6.

Clause 33.--(b).- In line 5, the words commencing from "shall be punishable with imprisonment" to be formed into a separate line.

7. | Clause 42.-This clause to be omitted.,
as Mysore authorities are not likely to send
any person to outside custody.

Number the clause on pp.16 as No. 45.

The Committee adjourned at 4.20 P.M.

Subt
25/3/35

NOTIFICATION.

No. 2479 L. C. Bangalore, dated 15th May 1939.

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Juveniles Bill is published for general information.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

MYSORE JUVENILES BILL.

Select Committee Report.

We, the members of the Select Committee to which the Mysore Juveniles Bill was referred, have considered the various clauses of the Bill and have the honor to submit this, our report.—

Clause 2 (v).—As we consider that power should be taken to recognise private institutions for the reception of youthful offenders, young persons or children and to apply the provisions of this Act to such institutions, we recommend that the definition of “Borstal School” may include such institutions also.

The words “or recognised” may be added after the word “established” in this clause.

Clause 3 (i).—To include private institutions, this clause may be recast as follows:—

“For the purposes of this Act, the Government may establish one or more Borstal Schools or may recognise any institution considered fit for the reception of youthful offenders, young persons or children as a Borstal School.”

Clause 4 (3).—The word “local” before the words “official Gazette” and the words “and on such publication shall have effect as if enacted in this Act,” at the end of this sub-clause may be omitted as unnecessary.

Clauses 8 and 9.—The age limit of persons to whom these clauses will apply may be reduced from 18 to 16 to bring this law into conformity with British Indian enactments. We accordingly recommend that the word “sixteen” may be substituted for the word “eighteen” in these clauses.

Clause 11 (1).—Since a child or a young person who is not charged with an offence can be brought before a court only on an application under Clause 24, we recommend that the words “and brought before a Court” may be replaced by the words “or is brought on an application under Section 24 before a Court.”

Clause 23.—Since clause 3 (ii) authorises the Government to appoint a Committee of Visitors, the expression “Visiting Committee” may be changed to “Committee of Visitors”.

Clause 24 (i).—We recommend the addition of another clause on the lines of the Madras Children (Amendment) Act, 1937, as follows:—

“or

“(e) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child”.

Clause 24 (iii).—Following the addition we have made to Clause 24 (i) and in accordance with the Madras Act, 1937, we recommend that a proviso may be added as follows:—

“Provided that a girl coming within the description mentioned in clause (e) of sub-section (i) may be committed to such custody until she attains the age of eighteen years or for any shorter period.”

Clause 27 (i).—As the Juvenile Court has no power under the other provisions of this Bill to hear applications for licences, the words “or licences” may be omitted.

Clauses 28 (i).—The expression “Visiting Committee” may be changed to “Committee of Visitors.”

As the Bill has not been altered materially, we do not recommend its republication.

N. MADHAVA RAU,
(Chairman),

T. RAMACHANDRA,
R. CHENNIGARAMIAH,
B. T. KESAVAIENGAR,
B. K. NARAYANA RAO,
E. G. McALPINE,
Mirle N. LAKSHMINARANAPPA.

Tel. Address :
EDUCATION.

DEPARTMENT OF PUBLIC INSTRUCTION.

Postal Address :
Post Box No. 8.

D. O. No. P.S. 585 of 38-39.

Encl: One.

E. G. McAlpine, M.A.,
Dip. Edn., V.D., J.P.,
Director of Public Instruction.

Dear Sir,

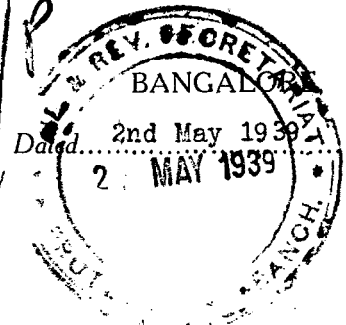
Please refer to your letter No. P.5732-7 dated 29th April 1939. I am returning herewith the copy of the Report of the Select Committee on the Mysore Juveniles Bill sent with your letter under reference and write to convey my approval to the same.

Yours sincerely,

E. G. McAlpine

A. Sundararaja Rao, Esq., B.A., B.L.,

Bangalore.



MYSORE JUVENILES BILL.

SELECT COMMITTEE REPORT.

We the members of the Select Committee to which the Mysore Juveniles Bill was referred, have considered the various clauses of the Bill and have the honor to submit this, our report.-

Clause 2 (v) As we consider that power should be taken to recognise Private Institutions for the reception of youthful offenders, young persons or children and to apply the provisions of this Act to such institutions, we recommend that the definition of "Borstal School" may include such institutions also.

The words "or recognised" may be added after the word "established" in this clause.

Clause 3(i). To include private institutions, this clause may be recast as follows:-

"For the purposes of this Act, the Government may establish one or more Borstal Schools or may recognise any institution considered fit for the reception of youthful offenders, young persons or children as a Borstal School."

Clause 4(3). The word "local" before the words "official Gazette" and the words "and on such publication shall have effect as if enacted in this Act." at the end of this sub-clause may be omitted as unnecessary.

Clauses 8 & 9. The age limit of persons to whom these clauses will apply may be reduced from 18 to 16 to bring this law into conformity with British Indian enactments. We accordingly recommend that the word "sixteen" may be substituted for the word "eighteen" in these clauses.

Clause 11(1). Since a child or a young person who is not charged with an offence can be brought before a court only on an application under Clause 24, we recommend that the words "and brought before a court" may be replaced by the

words "or is brought on an application under Section 24 before a Court".

Clause 23. Since clause 3 (ii) authorises the Government to appoint a Committee of Visitors, the expression "Visiting Committee" may be changed to "Committee of Visitors".

Clause 24(i). We recommend the addition of another clause on the lines of the Madras Children (Amendment) Act, 1937, as follows:-

"or
"(e) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child".

Clause 24(iii). Following the addition we have made to Clause 24(i) and in accordance with the Madras Act, 1937, we recommend that a proviso may be added as follows:-

"Provided that a girl coming within the description mentioned in clause (e) of sub-section (i) may be committed to such custody until she attains the age of eighteen years or for any shorter period".

Clause 27(i). As the Juvenile Court has no power under the other provisions of this Bill to hear applications for licences the words "or licences" may be omitted.

Clause 28(i). The expression "Visiting Committee" may be ~~changed~~ changed to "Committee of Visitors".

As the Bill has not been altered materially, we do not recommend its republication.

18/4/5
MYSONE JUVENILES BILL.

SELECT COMMITTEE REPORT.

To the members of the Select Committee to which the Mysore Juveniles Bill was referred, have considered the various clauses of the Bill and have the honor to submit this, our report.-

Clause 2 (v) As we consider that power should be taken to recognise private institutions for the reception of youthful offenders, young persons or children and to apply the provisions of this Act to such institutions, we recommend that the definition of "Borstal School" may include such institutions also.

The words "or recognised" may be added after the word "established" in this clause.

Clause 3(i). To include private institutions, this clause may be inserted as follows:-

"For the purposes of this Act, the Government may establish one or more Borstal schools or may recognise any institution considered fit for the reception of youthful offenders, young persons or children as a Borstal School."

Clause 4(3). The word "local" before the words "official Gazette" and the words "and on such publication shall have effect as if enacted in this Act." at the end of this sub-clause may be omitted as unnecessary.

Clauses 8 & 9. The age limit of persons to whom these clauses will apply may be reduced from 18 to 16 to bring this law into conformity with British Indian enactments. We accordingly recommend that the word "sixteen" may be substituted for the word "eighteen" in these clauses.

Clause 11(1). Since a child or a young person who is not charged with an offence can be brought before a court only on an application under Clause 14, we recommend that the words "and brought before a court" may be replaced by the

words 'or is brought on an application under section 24 before a Court'.

Clause 23. Since clause 3 (ii) authorises the Government to appoint a Committee of Visitors, the expression "Visiting Committee" may be changed to "Committee of Visitors".

Clause 24(i). We recommend the addition of another clause on the lines of the Madras Children (Amendment) Act, 1937, as follows:-

"or
"(c) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child".

Clause 24(iii). Following the addition we have made to Clause 24(i) and in accordance with the Madras Act, 1937, we recommend that a proviso may be added as follows:-

"Provided that a girl coming within the description mentioned in clause (c) of sub-section (i) may be committed to such custody until she attains the age of eighteen years or for any shorter period".

Clause 27(i). As the Juvenile Court has no power under the other provisions of this Bill to hear applications for licences the words "or licences" may be omitted.

Clause 28(i). The expression "Visiting Committee" may be changed to "Committee of Visitors".

As the Bill has not been altered materially, we do not recommend its republication.

I give my approval to
this Report.
D. Ramachandran
3.5.39

D.O. No. 4793-5/Encl.1

Bangalore, dated the.....2nd May 1939.....7939.

DEAR Sir,

the copy of the Report of the Select Committee on the Mysore Juveniles Bill received with your letter No.P. 5732-7 dated the 29th April 1939.

your Sincerely,

130.

J. Appaji Gowda, Esqr, B.A. (Hons)

General Secretary to the
Govt of Mysore,
Bangalore.

YOUNG JUVENILES BILL.

JOINT COMMITTEE REPORT.

The members of the Select Committee to which the Young Juveniles Bill was referred, have considered the various clauses of the Bill and have the honor to submit this, our report.-

Clause 2 (v). As we consider that power should be taken to recognise private institutions for the reception of youthful offenders, young persons or children and to apply the provisions of this Act to such institutions, we recommend that the definition of "Boarding School" may include such institutions also.

The words "or recognised" may be added after the word "Boarding School" in this clause.

Clause 3 (i). To include private institutions, this clause may be amended as follows:-

"For the purposes of this Act, the Government may establish one or more Boarding Schools or may recognise any institution considered fit for the reception of youthful offenders, young persons or children as a Boarding School."

Clause 4 (b). The word "local" before the words "official Gazette" and the words "and on such publication shall have effect as if enacted in this Act." at the end of this sub-clause may be omitted as unnecessary.

Clause 6 (a). The age limit of persons to whom these clauses will apply may be reduced from 14 to 13 to bring this law into conformity with British Indian enactments. We accordingly recommend that the word "thirteen" may be substituted for the word "fourteen" in these clauses.

Clause 11 (i). Since a child or a young person who is not charged with an offence can be brought before a court only on an application under Clause 10, we recommend that the words "that brought before a court" may be replaced by the

words "or is brought on an application under section 24 before a court".

Clause 23. Since clause 2 (ii) authorises the Government to appoint a Committee of Visitors, the expression "Visiting Committee" may be changed to "Committee of Visitors".

Clause 24(i). We recommend the addition of another clause on the lines of the Madras Children (Amendment) Act, 1937, as follows:-

^{For}
"(c) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child".

Clause 24(ii). Following the addition we have made to Clause 24(i) and in accordance with the Madras Act, 1937, we recommend that a proviso may be added as follows:-

"Provided that a girl coming within the description mentioned in Clause (c) of sub-section (i) may be committed to such custody until she attains the age of eighteen years or for any shorter period".

Clause 27(i). As the Juvenile Court has no power under the other provisions of this Bill to hear applications for licences the words "or licences" may be omitted.

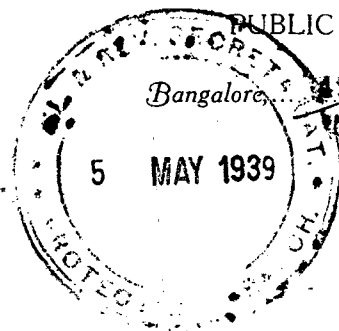
Clause 28(i). The expression "Visiting Committee" may be ~~also~~ changed to "Committee of Visitors".

As the Bill has not been altered materially, we do not recommend its republication.

Mirle N. Lakshminaranappa, Esq.,
XXXXXX XXXX XXXX XXXX XXXX B.A., LL.B.,
Government Advocate.

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

D. O. No. 841
Eve. 020



Bangalore, 4th May.....1939.

Dear Sir,

I am in receipt of your letter No. P. 5732-7, dated the 19th April 1939, forwarding for approval a copy of the draft Report of the Select Committee on the Mysore Juveniles Bill. There are a few errors in printing noticed during the meeting of the Committee which do not find a place in the Report. Perhaps instructions will be issued by the Office to the Press to rectify them. For the sake of convenience, they are enumerated below:-

- (1) The figure '5' in '25' in clause (g) of Section 4 (ii) on page 3, is an error for '4'.
- (2) The alphabet 's' at the end of the word 'sessions' in clause (b) of Section 6 on the same page 3 has to be struck off.
- (3) The figure '8' in '28' in clause (1) of the same section is a mistake for '7'.
- (4) The plural for the singular 'reason' in line 6 of Section 8 on page 4, has to be substituted.
- and (5) Para No. '45' has to be printed in line 3 on page 16.

It was pointed out that the words "the State of" in line 4 of clause (ii) of section 1, page 1, was superfluous, - as 'Mysore' under the General Clauses Act always meant the Territory of Mysore. The learned chairman was pleased to accept the amendment. That does not find a place in the Report.

The suggestion that the last three lines of clause 17 (b) on page 7 after the word 'and' should be put in a separate para. was accepted, just as clauses (a) and (b) which enumerated the powers of the Courts in making an order under section 7 has been put in. That does not also find a place in the Report.

Lastly, the decision to omit the words 'of Police' in line 6 of section 31 on page 12 as being redundant does not find

2.

find mention.

The copy of the draft Report received with your letter under reply is herewith returned.

Yours sincerely.

M. Venkataswami
Secretary

A. Sundararaja Rao, Esq., B.A., B.L.:
Under-Secretary to Government, Bangalore.

H./4.5.39.

MYSONO JUVENILES BILL.

SELECT COMMITTEE REPORT.

To the members of the Select Committee to which the Mysore Juveniles Bill was referred, have considered the various clauses of the Bill and have the honor to submit this, our report.-

Clause 2 (v) As we consider that power should be taken to recognise private institutions for the reception of youthful offenders, young persons or children and to apply the provisions of this Act to such institutions, we recommend that the definition of "Forstal School" may include such institutions also.

The words "or recognised" may be added after the word "established" in this clause.

Clause 3(i). To include private institutions, this clause may be reconstituted as follows:-

"For the purposes of this Act, the Government may establish one or more Forstal Schools or may recognise any institution considered fit for the reception of youthful offenders, young persons or children as a Forstal School."

Clause 4(3). The word "local" before the words "official Gazette" and the words "and on such publication shall have effect as if enacted in this Act." at the end of this sub-clause may be omitted as unnecessary.

Clauses 8 & 9. The age limit of persons to whom these clauses will apply may be reduced from 18 to 16 to bring this law into conformity with British Indian enactments. We accordingly recommend that the word "thirteen" may be substituted for the word "eighteen" in these clauses.

Clause 11(1). Since a child or a young person who is not charged with an offence can be brought before a court only on an application under clause 24, we recommend that the words "and brought before a court" may be replaced by the

words "or is brought on an application under section 24 before a Court".

Clause 23. Since clause 3 (ii) authorises the Government to appoint a Committee of Visitors, the expression "Visiting Committee" may be changed to "Committee of Visitors".

Clause 24(i). We recommend the addition of another clause on the lines of the Madras Children (Amendment) Act, 1937, as follows:-

"or
"(e) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child".

Clause 24(iii). Following the addition we have made to Clause 24(i) and in accordance with the Madras Act, 1937, we recommend that a proviso may be added as follows:-

"Provided that a girl coming within the description mentioned in clause (e) of sub-section (i) may be committed to such custody until she attains the age of eighteen years or for any shorter period".

Clause 27(i). As the Juvenile Court has no power under the other provisions of this Bill to hear applications for licences the words "or licences" may be omitted.

Clause 28(i). The expression "Visiting Committee" may be changed to "Committee of Visitors".

As the Bill has not been altered materially, we do not recommend its republication.

Approved, with the suggestions indicated
in this office no. 841 dated 4 May 1939.

M. V. La. K. S. M.
M. V. La. K. S. M.
For Secy. Adv. Secy.
4.5.39

SYDNEY JUVENILES BILL.

SELECT COMMITTEE REPORT.

To the members of the Select Committee to which the Sydney Juveniles Bill was referred, have considered the various clauses of the Bill and have the honor to submit this, our report.-

169/15-5
Clause 2 (v). As we consider that power should be taken to recognise private institutions for the reception of youthful offenders, young persons or children and to apply the provisions of this Act to such institutions, we recommend that the definition of "borstal school" may include such institutions also.

The words "or recognised" may be added after the word "established" in this clause.

Clause 3(i). To include private institutions, this clause may be recast as follows:-

"For the purposes of this Act, the Government may establish one or more borstal schools or may recognise any institution considered fit for the reception of youthful offenders, young persons or children as a borstal school."

Clause 4(5). The word "local" before the words "official Gazette" and the words "and on such publication shall have effect as if enacted in this Act." at the end of this sub-clause may be omitted as unnecessary.

Clauses 8 & 9. The age limit of persons to whom these clauses will apply may be reduced from 18 to 16 to bring this law into conformity with British Indian enactments. We accordingly recommend that the word "eighteen" may be substituted for the word "eighteen" in these clauses.

Clause 11(1). Since a child or a young person who is not charged with an offence can be brought before a court only on an application under clause 24, we recommend that the words "and brought before a court" may be replaced by the

words "or is brought on an application under section 24 before a court".

Clause 23. Since clause 3 (ii) authorises the Government to appoint a Committee of Visitors, the expression "Visiting Committee" may be changed to "Committee of Visitors".

Clause 24(i). We recommend the addition of another clause on the lines of the Madras Children (Amendment) Act, 1937, as follows:-

"or
"(c) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child".

Clause 24(iii). Following the addition we have made to Clause 24(i) and in accordance with the Madras Act, 1937, we recommend that a proviso may be added as follows:-

"provided that a girl coming within the description mentioned in clause (c) of sub-section (i) may be committed to such custody until she attains the age of eighteen years or for any shorter period".

Clause 27(i). As the Juvenile Court has no power under the other provisions of this Bill to hear applications for licences the words "or licences" may be omitted.

Clause 28(i). The expression "Visiting Committee" may be changed to "Committee of Visitors".

As the Bill has not been altered materially, we do not recommend its republication.

approved
N. Chennigaramaiah
M.L.A.
for signature

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat.

D.O.No. 5732-8
Encl 1

Dated Bangalore the 29th April '39

*P.C.
1/15
Wd 12-5*
Dear Sir,

I am desirous to send herewith a copy of the Report of the Select Committee on the Mysore Juveniles Bill and to request that the same may be returned with your approval at a very early date.

Yours sincerely,

B. T. Kesavaiah

Rajaseva prasakta

B.T. Kesavaiah, Esq., B.A.,

Chief Secretary to Government,
Bangalore.

Returned with Compliments. Approved.

M. S. S. S.

12/5/39

MYSORE JUVENILES BILL.

SELECT COMMITTEE REPORT.

We the members of the Select Committee to which the Mysore Juveniles Bill was referred, have considered the various clauses of the Bill and have the honor to submit this, our report.-

Clause 2 (v) As we consider that power should be taken to recognise Private Institutions for the reception of youthful offenders, young persons or children and to apply the provisions of this Act to such institutions, we recommend that the definition of "Borstal School" may include such institutions also.

The words "or recognised" may be added after the word "established" in this clause.

Clause 3(i). To include private institutions, this clause may be recast as follows:-

"For the purposes of this Act, the Government may establish one or more Borstal Schools or may recognise any institution considered fit for the reception of youthful offenders, young persons or children as a Borstal School."

Clause 4(3). The word "local" before the words "official Gazette" and the words "and on such publication shall have effect as if enacted in this Act." at the end of this sub-clause may be omitted as unnecessary.

Clauses 8 & 9. The age limit of persons to whom these clauses will apply may be reduced from 18 to 16 to bring this law into conformity with British Indian enactments. We accordingly recommend that the word "sixteen" may be substituted for the word "eighteen" in these clauses.

Clause 11(1). Since a child or a young person who is not charged with an offence can be brought before a court only on an application under Clause 24, we recommend that the words "and brought before a Court" may be replaced by the

words "or is brought on an application under Section 24 before a Court".

Clause 23. Since clause 3 (ii) authorises the Government to appoint a Committee of Visitors, the expression "Visiting Committee" may be changed to "Committee of Visitors".

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"or
"(e) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child".

Clause 24(iii). Following the addition we have made to Clause 24(i) and in accordance with the Madras Act, 1937, we recommend that a proviso may be added as follows:-

"Provided that a girl coming within the description mention clause (e) of sub-section (i) may be committed to such custody until she attains the age of eighteen years or for any shorter period".

Clause 27(i). As the Juvenile Court has no power under the other provisions of this Bill to hear applications for licences the words "or licences" may be omitted.

Clause 28(i). The expression "Visiting Committee" may be changed to "Committee of Visitors".

As the Bill has not been altered materially, we do not recommend its republication.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

ORDER NO. *P 207* *Legis 5-39-1* DATED BANGALORE, THE 12th JULY 1939

Ordered that the accompanying Mysore Juveniles
Act which received the assent of His Highness the
Maharaja, on the third day of July 1939 be published
as Act No. XIV of 1939, in the Mysore Gazette for general
information.

h
Jm Secretary to Government
Law Department.
Jm

To

The Compiler, Mysore Gazette, for publication in
Part IV of the Gazette in English and Kannada
and for supply of spare copies as per Standing
Orders. 4 clear proofs should be sent to this
office for approval by 21.8. tomorrow.

cn-3

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

ORDER NO. *p207 dpts 5-39-1* DATED BANGALORE, THE 12th JULY 1939

Ordered that the accompanying Mysore Juveniles
Act which received the assent of His Highness the
Maharaja, on the Third day of July 1939 be published
as Act No. XIV of 1939, in the Mysore Gazette for general
information.

B. Bow
Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette, for publication in
Part IX of the Gazette in English and Kannada
and for supply of spare copies as per Standing
Orders. 4 clean proofs should be sent to this
office for approval by 2 P.M. tomorrow.

Copy to be sent to the ...

en-3

DRAFT

SUBJECT.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

, the.....191 .

Date of issue.....12/7/39

Signed by.....Mr C.S.A.

May this be—

- (i) Printed?
- (ii) Treated as a standing order?
- (iii) Published in the "Gazette" English part?
- (iv) Translated?
- (v) Placed at the disposal of the Press?
- (vi) Published in the "Gazette" Kannada part?

Section. *Legis*
 File No. *5-39*
 Serial No. *1*

Proceedings of the Government of
 H. H. the Maharaja of Mysore.

Order No. *P207*.....

Ordered that the accompanying.....

Mysore Juvenile Act

which received the assent of His Highness the Maharaja, on the.....*Third*..... day of.....*July*..... 19*39* , be published as Regulation No.....*XIV*..... of 19*39* , in the *Mysore Gazette* for general information.

Secretary to Government.

Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of spare copies in English, and spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore) Proofs should be sent to this office for approval before publication.

Spare copies as per standing order

Copy to Information section

NOTIFICATION.

No. P. 207—Legis. 5-39-1, dated Bangalore, 12th July 1939.

Ordered that the accompanying Mysore Juveniles Act which received the assent of His Highness the Maharaja, on the third day of July 1939 be published as Act No. XIV of 1939, in the *Mysore Gazette* for general information.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT XIV.

MYSORE JUVENILES ACT.

Received the assent of His Highness the Maharaja of Mysore on the third day of July 1939.

Whereas it is expedient to make provision for the custody, trial and punishment of youthful offenders, for the establishment and regulation of Borstal Schools, for the detention and training of youthful offenders, and for the protection of children and young persons in Mysore; it is hereby enacted as follows :—

PART I.

1. (i) This Act may be called as the "Mysore Juveniles Act 1939." Short title and extent.

(ii) The Government may, by notification in the official Gazette from time to time, apply the whole or any portion of this Act to children, young persons or youthful offenders or any class thereof in any local area in Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

2. In this Act unless there is anything repugnant in the subject or context—

(i) "Child" means a person under the age of fourteen years and when used in reference to a child sent to a Borstal School applies to that child during the whole period of detention, notwithstanding that the Child attains the age of fourteen years before the expiration of that period;

(ii) "Young person" means a person who is fourteen years of age or upwards and under the age of eighteen years;

(iii) "Youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment or who, having been ordered to furnish security under Section 118 of the Code of Criminal Procedure, 1904, has failed to do so and who, at the time of such conviction or failing to give security, was under the age of eighteen years;

(iv) "Guardian" in relation to a child, young person or youthful offender includes any person, who in the opinion of the court having cognizance of any case in relation to the child, young person, or youthful offender or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender;

(v) "Borstal School" shall mean a corrective institution established or established under the Act wherein children, young persons or youthful offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(vi) "Inspector-General" shall mean the Inspector-General of Prisons and shall include any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General;

(vii) "Prescribed" means prescribed by the rules under this Act.

Establish-
ment of
Borstal
Schools.

3. (i) For the purposes of this act, the Government may establish one or more Borstal Schools or may recognise any institution considers fit for the reception of youthful offenders, young persons or children as a Borstal School.

(ii) For every Borstal School, the Government shall appoint a Superintendent and a Committee of Visitors.

Rules.

4. (i) The Government may from time to time, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(ii) In particular and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

- (a) the control and management of Borstal Schools established under this Act,
- (b) the appointment, powers and duties of officials in such schools,
- (c) the constitution, powers and duties of visiting committees,

- (d) the classification, treatment, maintenance, education, industrial training and control of the inmates,
 - (e) the temporary detention of youthful offenders until arrangements can be made for sending them to Borstal Schools,
 - (f) visits to and communication with the inmates,
 - (g) the class of persons who may be authorized under section 24 (i),
 - (h) removal of articles which are deemed to be "prohibited articles" when introduced without due authority,
 - (i) the penalties to be imposed for the supply or possession of such articles when possessed or supplied without due authority,
 - (j) the punishment or offences committed by youthful offenders,
 - (k) the granting of licences for the employment of youthful offenders.
- (3) All rules made under this Act shall be published in the official Gazette.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, Prisons Act, 1870, and the Mysore Prisoners' Testimony Act, 1894, and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and the youthful offenders prisoners.

Application
of the Mysore
Prisoners'
Testimony
Act, 1894.

6. The powers conferred on courts by this Act shall be exercised only by—

Courts
empowered
under this
Act.

- (a) the High Court,
- (b) a Court of Session,
- (c) a District Magistrate.
- (d) a Sub-Divisional Magistrate.
- (e) any Magistrate of the first or second class specially empowered by the Government to exercise all or any of such powers.

(f) any Juvenile Court constituted under subsection (1) of section 27

and may be exercised by such courts whether the case comes before them originally or on appeal or in revision.

Procedure
when Magis-
trate is not
empowered
to pass
sentence
under this
Act.

7. (i) When any Magistrate not empowered to pass sentence under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be detained in a Borstal School, he may, without passing sentence, record such opinion and submit his proceedings and forward the child or young person to the District Magistrate to whom he is subordinate or to the Magistrate presiding over the nearest juvenile court having jurisdiction in the case.

(ii) The District Magistrate or the Magistrate presiding over the juvenile court to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such child or young person had originally been brought before him or tried by him.

PART II.

YOUTHFUL OFFENDERS.

Bail of
children,
and young
persons
arrested.

8. Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of police station to which such person is brought shall release him on bail if sufficient surety is forthcoming, unless, for reasons to be recorded in writing, the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring him into association with any reputed criminal.

Custody of
children
and young
persons not
discharged on
bail after
arrest.

9. Where a person apparently under the age of sixteen years having been arrested is not released under section eight or otherwise, the officer in charge of the police station shall cause him to be detained in the prescribed manner, until he can be brought before a court having jurisdiction under this Act.

Remand or
committal
to custody.

10. A court on remanding or committing for trial a child or young person who is not released on bail shall order him to be detained in the prescribed manner.

Attendance at
court of
parent of
child or
young person
charged with
an offence,
etc.

11. (i) Where a child or young person is charged with any offence or is brought on an application under section 24 before a court having jurisdiction under this Act, his parent or guardian may in any case and shall, if he can be found and resides within a

reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(ii) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(ii) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person: provided that if that person is not the father, the attendance of the father may also be required.

(iv) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

12. Where it appears to a court having jurisdiction under this Act that a youthful offender should, by reason of his criminal habits or tendencies or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the court, in lieu of passing a sentence of transportation or imprisonment, to pass a sentence of detention in a Borstal School for a term which shall not be less than three or more than five years:

Power of
Court to pass
sentence of
detention in
Borstal
School.

Provided that before passing such sentence, the court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

13. Any person detained in a Borstal School for failure to furnish security when ordered to do so under Section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under Section 124 of the Code:

Limitation
on powers
conferred by
Section 12.

Power of
Inspector-
General to
transfer
prisoners to
Borstal
School.

14. The Inspector-General may, subject to rules made by the Government, if satisfied that any youthful offender undergoing transportation or imprisonment in consequence of sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal School, direct that such person shall be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act there shall upon apply to such person as if he had been originally sentenced to detention in a Borstal School.

Preliminary
inquiry and
findings as to
age of youth-
ful offender.

15. (i) Before passing a sentence under Section 12, the court shall enquire into the age of the offender and after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

(ii) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under Section 12 before submitting his proceedings and forwarding a youthful offender to the District Magistrate or to the Magistrate presiding over Juvenile Court having jurisdiction in the case as required by sub-Section (1) of Section 7.

Period of
detention.

16. The order in pursuance of which a young person or child is sent to a Borstal School shall specify the time for which the young person or child is to be detained in the school being—

(a) in the case of a young person not less than three and not more than five years but not in any case extending beyond the time when the young person will, in the opinion of the court, attain the age of twenty-one years.

(b) in the case of a child such time as the court may deem proper for the teaching and training of the child but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of seventeen years,

Power to
discharge
youthful
offender or to
commit him
to suitable
custody.

17. A court may, if it shall think fit, having regard to the age, character, antecedents, physical or mental condition of the offender, instead of directing any youthful offender to be detained in a Borstal School, order him to be—

(a) discharged after due admonition or,

(b) committed to the custody of his parent or guardian or any adult relative, on such parent, guardian or relative executing a bond with or without sureties as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months.

And the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

18. (i) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall, if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to order parent to pay fine, etc., instead of child or young person.

(ii) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(iii) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

19. (i) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provision of this Act it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

Detention in the case of certain serious crimes committed by children or young persons.

(ii) Notwithstanding the provisions of section 12, the Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

Methods of dealing with children and young persons charged with offence.

20. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether,

(a) by discharging the offender after due admonition ; or

(b) by committing the offender to the custody of his parent, guardian, or any adult relative, on such parent, guardian, or relative executing a bond to be responsible for his good behaviour ; or

(c) by so discharging or committing the offender and placing him under the supervision of a person named by the court ; or

(d) by sending the offender to a Borstal School ; or

(e) by ordering the offender to be whipped ; or

(f) by ordering the offender to pay a fine ; or

(g) by ordering the parent or guardian of the offender to pay a fine ; or

(h) where the offender is a young person, by sentencing him to imprisonment ; or

(i) by dealing with the case in any other manner in which it may legally be dealt with :

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

Government to determine the Borstal School to which youthful offender shall be sent.

21. Every youthful offender directed by a court to be sent to a Borstal School shall be sent to such Borstal School as the Government may, by general or special order, appoint for the reception of youthful offenders so dealt with by such court :

Provided that, if accommodation in a Borstal School is not immediately available for such youthful offender, he may be detained in a special ward or such other suitable part of a prison as the Government may direct until he can be sent to a Borstal School. The period of detention so undergone shall be treated as detention in a Borstal School.

Removal from one school to another.

22. The Inspector-General may at any time order an inmate to be removed from one Borstal School to

another, provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

23. Where a person detained in a Borstal School is reported to the Government by the Superintendent and the Committee of Visitors of such school to be incorrigible or to be exercising a bad influence on the other inmates of the school, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding—

Transfer of incorrigibles, etc., to prisons.

- (a) such unexpired residue, or
- (b) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or
- (c) the maximum period of imprisonment which the court that tried him had authority to award under the Code of Criminal Procedure, 1904, whichever is shortest.

PART III.

CHILDREN AND YOUNG PERSONS NOT BEING YOUTHFUL OFFENDERS.

24. (i) In any area to which the Government shall direct that this section shall apply, any person authorised in this behalf in accordance with rules made by the Government may bring before a court any person apparently under the age of fourteen years who,

Children liable to be sent to Borstal School.

(a) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian or a parent or guardian who does not exercise proper guardianship; or

(b) is found destitute, not being an orphan and having both parents or his surviving parent or in the case of an illegitimate child, his mother, undergoing transportation or imprisonment; or

(c) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(d) frequents the company of any reputed thief; or

(e) is living in a house used for an immoral purpose or in any other circumstances calculated to cause, encourage or favour the seduction or prostitution of the child;

and the court before which a person is brought as coming within one of those descriptions, if satisfied on enquiry of that fact, and that it is expedient so to deal with him, may order him to be sent to a Borstal School.

(ii) Where under this Act a court is empowered to order a child to be sent to a Borstal School, the court, in lieu of ordering him to be so sent, may make an order for the committal of the child to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to
commit child
to suitable
custody.

(iii) Any police officer or other person authorised by the Government in this behalf may bring before a Court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in sub-section (1) and the court if satisfied on enquiry of that fact and that it is expedient so to deal with him, may make an order for his committal to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to
commit
young person
to care of
relative or fit
person in
certain cases.

Provided that a girl coming within the description mentioned in clause (e) of sub-section (i) may be committed to such custody until she attains the age of eighteen years or for any shorter period.

(iv) The court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

25. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a Borstal School, the court, if satisfied on enquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

Uncontrol-
lable children.

PART IV.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO BORSTAL SCHOOLS OR COMMITTED TO SUITABLE CUSTODY.

26. (i) The court which makes an order for the detention of a child in a Borstal School under Section 25 or for the committal of a child or young person to suitable custody under this Act may make an order on the parent or other person liable to maintain the child or young person to contribute to his maintenance, if able to do so, in the prescribed manner.

Contribution
of parent.

(ii) Any order made under this section may, from time to time, be varied by the court.

(iii) The persons liable to maintain a child or young person shall, for the purposes of sub-section (1), include in the case of illegitimacy his putative father:—

Provided that where the child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1940, the Court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the young person or child.

(iv) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1904.

PART VI.

JUVENILE COURTS.

27. (i) The Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders relating to a child or young person at which the attendance of the child or young person is required. Juvenile Courts.

(ii) Where no such separate court has been established, the court before which a child or young person is brought shall, unless the child or young person is tried jointly with any other person, not being a child or young person whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VI.

RELEASE ON LICENCE.

28. (i) Subject to any general or special directions of the Government, the Inspector-General, on the recommendation of the Superintendent and the Committee of Visitors may, at any time after the expiration of six Power to release on licence.

months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life by licence permit him to be discharged from the Borstal School on condition that he be placed under the supervision or authority of any Government officer, or secular institution or person, or religious society professing the same religion as the inmate named in the licence who may be willing to take charge of him.

(ii) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired or the term for which the child or the young person was ordered to be detained in the School has expired, unless sooner revoked or forfeited.

Form of
licence.

29. Every licence granted under section 28 shall be in such form and shall contain such conditions as the Government may by rules direct.

Revocation of
licence

30. Subject to any general or special directions of the Government, a licence granted under section 28 may be revoked at any time by the Inspector-General and where a licence has been revoked, the person to whom the licence related shall return to the Borstal School.

Escape and
forfeiture of
licence.

31. If any inmate escapes from a Borstal School or if any inmate absents on licence from a Borstal School, removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal School, a police officer not below the rank of a sub-inspector may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal School and his licence shall be forfeited with effect from the date of his escape or failure to return, as the case may be.

Absence
under licence
to be counted
towards
period of
detention.

32. The time during which a person is absent from a Borstal School under a licence shall be treated as part of the term of his detention in the School: provided that where that person has failed to return to the School on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the School.

33. Whoever—

(a) knowingly assists or induces directly or indirectly a youthful offender or child detained in or placed out on licence from a Borstal School to escape from the school or from any person with whom he is placed out on licence or any child or young person to escape from the person to whose custody he is committed under the provisions of this Act,

Penalty for abetting escape of youthful offender or child.

(b) knowingly harbours, conceals or prevents from returning to School, or to any person with whom he is placed out on licence or to the person to whose custody he is committed under this Act, a youthful offender, child or young person who has so escaped, or knowingly assists in so doing shall be punishable with imprisonment for a term which may extend to two months or with a fine not exceeding two hundred rupees or with both.

34. Whoever, contrary to any rule made by Government, introduces or removes or attempts by any means whatever to introduce into or remove from any Borstal School, or supplies or attempts to supply outside the limits of any Borstal School to any youthful offender under order of detention therein, any prohibited article, and every officer or person in charge of a Borstal School, who contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Borstal School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits, and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders.

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding two months or to fine not exceeding two hundred rupees or to both.

PART VII.

APPEAL AND REVISION.

35. For purposes of appeal and revision under the Code of Criminal Procedure, 1904, a sentence of detention under section 12 of this Act shall be deemed to be a sentence of imprisonment for the same period.

Appeal and revision.

Any person affected by an order of the Inspector-General under this Act may appeal to the Government whose orders shall be final.

Appeal.

36. (i) An appeal from an order made by a court under sections 18, 24, 25 or 26 shall lie,

(a) if passed by a Juvenile Court or by any Magistrate other than a District Magistrate, to a District Magistrate;

(b) if passed by a District Magistrate, to the Court of Sessions;

(c) if passed by a Court of Sessions, to the High Court.

(ii) No appeal shall lie from any order passed in any such appeal.

(iii) Any order passed under the provisions of this Act and not otherwise provided for may be revised by the High Court.

PART VIII.

MISCELLANEOUS.

Discharge
and transfer.

37. (i) The Government may, at any time, order a youthful offender or a child—

(a) to be discharged from a Borstal School either absolutely or on such conditions as the Government approves; or

(a) to be transferred from one Borstal School to another.

(ii) The total period of detention of the youthful offender or child shall not be increased by any transfer under this section.

Presumption
and determi-
nation of
age.

38. (i) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due enquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person had not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so

brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and where it appears to the court that the person so brought before it is of the age of eighteen years or upwards, the person shall, for the purpose of this Act, be deemed not to be a child or young person.

(ii) No court shall, in appeal or revision, interfere with any presumption or declaration as to age made under sub-section (1).

39. Where a child or young person is committed to suitable custody under this Act, the court in determining the person to whose custody the child or young person shall be committed shall endeavour to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion.

Provision as to religious persuasion.

40. The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

Removal of disqualification attaching to conviction for offences.

41. Any person to whose custody a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent and shall be responsible for his maintenance, and the child or young person shall continue in his custody notwithstanding that he is claimed by his parent or any other person.

Control of custodian over a child.

42. The Government may order any youthful offender to be transferred from a Borstal School within the State to a Borstal School in British India where there is any arrangement in that behalf between the Government and the Governor-General in Council.

Transfer of youthful offenders to Borstal Schools in British India.

43. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Act.

Bonds taken under this Act.

44. When a youthful offender during his period of detention in a Borstal School is again convicted by a criminal court, the sentence of such court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1904, but the court shall forthwith report the matter to the Govern-

Procedure when youthful offender under detention in a Borstal School is again convicted and sentenced.

ment which shall have power to deal with the matter in any way in which it thinks fit.

45. Notwithstanding anything to the contrary contained in any law, no child or young person shall be sentenced to death, transportation, or imprisonment or committed to prison in default of payment of fine or in default of furnishing security:

Provided that a child or young person may be sentenced to imprisonment not exceeding ten years or committed to prison as aforesaid where the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a Borstal School and that none of the other methods in which the case may legally be dealt with is suitable.

First
offenders.

46. When a child or young person is convicted of an offence punishable with fine only and is sentenced to fine, the court may add a sentence of whipping in default of payment of fine unless action against his parent or guardian under sub-section (i) of section 18 is practicable.

Treatment of
a child or
young person.

47. (i) Whoever being the parent or guardian of any child or young person abandons, exposes, or wilfully neglects or ill treats such child or young person in a manner likely to cause unnecessary suffering or injury to the health of such child or young person shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 200 or with both.

(ii) For the purpose of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain any child or young person shall be deemed to neglect or ill treat him if he fails to provide him with such food, clothing, medical aid and lodging, as would, in the opinion of the court which hears the case, be suitable to his condition in life.

(iii) Nothing in this section shall be deemed to affect the right of a parent, teacher or guardian to administer reasonable punishment to a child or young person in his charge.

Encouraging
begging by an
child or
young person.

48. (i) Whoever for his own profit causes, or being the parent or guardian allows, any child or young person to beg in any public place shall be punishable with simple imprisonment for a term which may extend to three

months or with fine which may extend to Rs. 100 or with both.

(iii) The Government may, by notification in the official Gazette, exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.

49. Whoever being the parent or guardian of any child or young person allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

Permitting any child or young person to frequent brothel.

50. In any case in which a police officer not below the rank of a sub-inspector or a person authorised in this behalf in the prescribed manner, is of opinion that an offence under section 47 or 48 or 49 has been, or is likely to be committed in relation to any child or young person, he may cause such child or young person to be placed in safety in such manner as the Government may, by rule, prescribe: provided that such child or young person shall not, without an order of a court empowered under section 6 be detained for more than 24 hours in addition to the time necessary to produce him before such court.

Custody of any child or young person in respect of whom an offence is committed or likely to be committed.

51. In any case in which any court empowered under section 6 has reason to believe that an offence under section 47 or 48 or 49 has been or is likely to be committed in relation to any child or young person within its jurisdiction, the court may cause the production of such child or young person by a search warrant and the provisions of the Code of Criminal Procedure, 1904, shall apply to such warrant as if it were under section 100 of the said Code.

Search warrant.

52. (i) If any court empowered under section 6 after such enquiry as the court thinks reasonable is of opinion that any child or young person is allowed by the parent or guardian to be in circumstance conducive to the commission of an offence under section 47 or 48 or 49, the court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any such offence in relation to such child or young person and in default of his furnishing such security, the court may order him to suffer simple imprisonment for a term which may

Bond by parent or guardian.

extend to six months or to pay a fine which may extend to Rs. 100.

(ii) The provisions of sections 513, 514, 514-A and 516 of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this section.

Power to
make custody
order or send
any child or
young person
to Borstal
School.

53. Where the parent or guardian of any child or young person is convicted of an offence under section 47 or 48 or 49 or under Chapter XVI of the Indian Penal Code, 1860, in relation to such child or young person, the court shall have power (in addition to powers of sentencing the offender) to make a custody order in respect of such child or young person to send him to a Borstal School as if he were dealt with under Part II.

(Sd.) MIRZA M. ISMAIL,
Dewan.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G O. No. P. 3333-6—Pris. 18-36-4, dated 3rd January 1938.

Borstal School.

Publishes the Report of the Committee constituted to examine the question of starting a —.

READ—

Government Order No. G. 8814-8—Pris. 43-34-7, dated 27th April 1936, constituting a committee to examine the question of starting a Borstal School in the State and to suggest the legislation necessary to give effect to the proposals.

2. Letter No. 742—F. 45, dated 22nd March 1937, from the Committee referred to in the Government Order read above, submitting a report in the matter together with a draft Regulation.

ORDER No. P. 3333-6—Pris. 18-36-4, DATED BANGALORE,
THE 3RD JANUARY 1938.

The report of the Committee will be published for the information of the public. Suggestions will be received till 1st February 1938.

2. Government desire to convey their thanks to the Chairman and the other members of the Committee for their very valuable report.

M. VENKATESA IYENGAR,
*Secretary to Government,
General Department.*

To—The Inspector-General of Prisons in Mysore.
The Inspector-General of Police in Mysore.
The Compiler, *Mysore Gazette*.

PRESS TABLE.

Exd.—c. K.

No. P. 3333-6—PRIS. 18-36-4, DATED 3RD JANUARY 1938.

Inspector-General of Police in his letters No. C2-275—34, dated 21st December 1934, to the Chief Secretary to the Government of Mysore and No. C21—35, dated 29th November 1935, to the General Secretary to the Government of Mysore, it is clear that the number of juvenile offenders is showing a tendency to increase from year to year and that the establishment of a Borstal School for at least 300 boys is an urgent necessity. It is also seen from the Annual Administration Report of the Police Department for the year 1935-36 that nearly one-third of the crimes in Bangalore City during the year under report has been suspected to have been due to the work of juveniles. This is rather alarming. On a careful consideration of the matter, the Committee is in full agreement with the views expressed by the Inspector-General of Police in his two letters above referred to regarding the desirability and feasibility of starting a Borstal School in Mysore.

3. *Suitable Place for the location of a Borstal School.*—In his scheme for the establishment of a Borstal School submitted to Government so long ago as 1929, the Inspector-General of Prisons, who is the Chairman of the present Committee, proposed on financial and other considerations, the adaptation of the Lock-up Building at Hassan for the purpose of locating a Borstal School in it at an estimated cost of Rs. 10,000. The Inspector-General of Police (Mr. F. A. Hamilton), who generally agrees with the above scheme, is also known to be in favour of locating the Borstal School at Hassan for various reasons. But considering the fact that the old Lock-up Building at Hassan has since 1929 further deteriorated and its adaptation will involve much larger expenditure to render it fit for use as a Borstal School and that even with such adaptation it will not afford sufficient accommodation for 300 boys, the Committee are of opinion that the Lock-up Building at Hassan is not only inadequate but also decidedly unsuited for the purpose of a Borstal School and as such the location of the school should be elsewhere. The Committee is unanimously of the opinion that it is desirable to locate the Borstal School in the neighbourhood of the New Mental Hospital at Bangalore, where there are better facilities for the instruction of the inmates as well as for obtaining expert advice whenever necessary. For such an institution, Bangalore is from every point of view better suited than any other place in the State.

4. *Scheme of Work and Training.*—The Committee suggests that the inmates of the Borstal School may be given literary instruction entirely in Kannada. Such instruction may be limited to reading, writing, arithmetic and geography. As vocationalization of education is to-day an urgent necessity, the proposed literary instruction may be supplemented by training in the following vocations:—Carpentry, smithy, tailoring, cane work, basket work, gardening and poultry farming. Drill, physical exercises, sports and games should also form part of the course of training given and perhaps in the case of some training for turning them into pipers and bandsmen may also be usefully thought of.

5. *Accommodation.*—The chief feature of the proposed building for the institution at Bangalore should be that it should look least like a Jail and most like an Educational Institution and a Hostel combined. This feature is intended to dissociate all connection of the institution from the idea of a Jail which has some sinister notions connected with it. The Borstal School should preferably be in the shape of a quadrangle with two floors and an enclosure all round. The space included in it should provide for the following requirements:—

- 12 Dormitories, each to accommodate 25 boys, each boy being allowed not less than 36 square feet of superficial area and 500 cubic feet of cubic space.
- 25 Separation cells.
- 4 Workshops (one for carpentry and smithy, one for tailoring, one for cane and basket work and one for gardening and poultry farming).
- 1 Infirmary.
- 6 Office rooms.
- 3 Class rooms, each to hold 50 boys.
- 1 Guard room.
- 2 Dining rooms.
- 2 Kitchens (one for vegetarians and one for non-vegetarians).
- 2 Kitchen stores.
- 1 Ration stores and cleaning room.
- 2 Latrines.
- 1 Isolation shed.
- 1 Fuel store.
- 1 Cattle shed.

No. P. 3333-6—PRIS. 18-36-4, DATED 3RD JANUARY 1938.

8. *Legislation.*—The Committee accordingly submits the draft of a Regulation called “The Mysore Juveniles Regulation” for the consideration of Government. Instead of having a multiplicity of Regulations such as a Children’s Regulation, a Borstal Regulation and a Reformatory Regulation as in Madras, the more important provisions contained in all these three Madras Acts have been considered by the Committee and consolidated into one single Regulation so as to suit the conditions prevailing in Mysore. The maximum age of the juvenile, for purposes of admission into the Borstal School, has been fixed at 18 years as that is the age at which, under the Criminal Tribes Regulation, the members are deemed to become adults. The Regulation deals not only with youthful offenders but also with juveniles who have not committed any offence but who, owing to want of parental control, bad associations or other reasons, need protection and training. Provision is also made for the establishment of a Juvenile Court, which is a comparatively recent innovation and is deemed the best kind of tribunal for dealing with all kinds of offences committed by young persons which cannot be met by a mere warning. The minimum period of Borstal Sentence has been fixed at three years and the maximum at five years, provision being also made for releasing on license in suitable cases. There are certain penal provisions which operate as a sort of restraint on the parents and guardians who neglect children under their care. The regulation has been made a fairly comprehensive one, including as it does some of the more important recommendations made in 1927 in the Report of the Departmental Committee on the treatment of young offenders in England, which may well be adopted for boys, the question of dealing with girl delinquents being taken up later as and when occasion arises.

9. *Aftercare and Probation.*—While the importance of the Aftercare Associations and Probation Officers has been fully recognised in England, where there is a Central Association working in conjunction with all existing Borstal Institutions with Central Offices in London and associates throughout the country, most of whom are unpaid social workers, the system of release on license has not developed in India for want of suitable social workers. The Aftercare of the Yeravada Reformatory School has been organised by its own staff, and that of the David Sassoon Industrial Reformatory at Bombay is in the hands of the Shephard Aftercare Association under the supervision of the Salvation Army. In conjunction with the Borstal School at Dharwar, the Bombay Presidency Borstal Association with headquarters at Dharwar has been established. At Lahore, the Borstal Institution has no separate Aftercare Society, but its inmates after release are taken care of and helped by the Punjab Prisoners’ Aid Society. In Bengal, a society called the “Bengal Aftercare Association for Juveniles and Adolescents” has been established since 1928, having the Chief Justice of Bengal as its President, and they maintain a Hostel in Calcutta for boys released on license. In Madras, Aftercare work has been organised under a Central Prisoners’ Aid Society with branches in most of the districts. There is no doubt that a similar Aftercare Association is desirable in this State to deal with inmates released on license. It is a point for consideration whether unpaid social workers will come forward to form an Aftercare Association or to undertake the work of Probation Officers. There may be a need to appoint paid social workers and Probation Officers in the beginning. Until such time as unpaid social workers freely come forward and take up the movement, Aftercare work in Mysore may be entrusted to the Central Discharged Prisoners’ Aid Society which has been in existence for some years past at Bangalore, with allied societies in the districts. This Association may be financially helped to some extent, if it undertakes this special work.

10. *Conclusion.*—In submitting the above proposals the members of the Committee desire to express their sense of indebtedness to Government for having given them an opportunity to examine the question of establishing a Borstal School in the State to wean off youthful offenders from criminal propensities and help their conversion into useful citizens. The question is one of great importance as much to society as to the State as a whole. As the question has been under consideration for a long time, it is hoped that Government will be pleased to give effect to the scheme at a very early date. It is the considered opinion of the Committee that its adoption cannot be delayed longer as the number of juvenile offenders is showing a dangerous tendency to increase with consequences too serious to contemplate.

11. THE MYSORE JUVENILES BILL.

(a) *Motion that the Bill published under Rule 8 of the Rules of Business be read in Council.*

The FIRST MEMBER (Rajamantra-pravina N. Madhava Rau).—Sir, I beg to move that the Mysore Juveniles Bill be read in Council. It is generally admitted now-a-days that the aim of prison administration should be to effect such a reformation in the character of the criminal as will fit him again to take his place in society and become a useful citizen. This is more particularly so in regard to juvenile offenders. The juvenile delinquent is in the main a product of adverse individual and social conditions and the only effective treatment must therefore consist in placing him in the midst of wholesome material and moral surroundings. Being at an impressionable age the juvenile offender should not be familiarised with ordinary jail life or brought into contact with adult offenders. Such contact tends to strangle every vestige of decency, remorse and good resolutions.

In our State the number of convicts under 18 years is about 500 every year and it is alarming to notice that this number is showing a tendency to increase from year to year. There are also a number of juveniles who are either found wandering without a home and visible means of subsistence or are destitute or are neglected or are uncontrollable. It is the object of this bill to give a chance to all these persons to reform themselves under better surroundings. The proposal is to establish a Borstal School where the young offenders and other juveniles may be detained and given such occupational training and other instruction and subjected to such disciplinary and moral influence as will conduce to their reformation and prevention of crime.

The idea of establishing a Borstal School in the State is not a new one. It has been under the consideration of Government since 1917. A resolution relating to the establishment of such an institution was moved by Mr. Walden at the Legislative Council of December 1934 when the then Second Member of Council replied on behalf of Government as follows:—

“Government are very earnest about starting this school for youthful offenders and the only difficulty that has hitherto been in the way is finance. But I hope Government will be able to find the necessary funds to finance this scheme at as early a date as possible.”

In 1936, a Committee was appointed to examine the desirability and feasibility of establishing a Borstal School in the State and to make suitable recommendations. The Committee submitted a unanimous report in March 1937, urging the early starting of the institution, as it was one of great importance. The report was also published in January 1938 for the information of the public and for their suggestions.

The Bill before you makes provision for the custody, trial, punishment of youthful offenders, for the establishment and regulation of Borstal schools, for detention and training of youthful offenders and for the protection of children and young persons in Mysore. The Bill has certain peculiarities. In Madras and elsewhere they have separate enactments to deal with persons of different ages. They have a Children's Act, a Borstal Act and a Reformatory Schools Act. The more important provisions in all these Acts have been considered and consolidated into a single Bill which is now before you. According to this Bill, it is not proposed to have separate institutions like junior and senior certified schools for persons under 16. Only one institution, viz., the Borstal School is proposed to be started for all persons under 18 years of age dealt with under the Act. This arrangement may not be considered altogether satisfactory in that it is calculated to bring together boys of different ages and different degrees of predisposition to crime. It has, however, to be remembered that we are just making a beginning to deal with juvenile delinquency and that over elaboration and consequent increase of cost have to be avoided.

In this connection, I may observe that in England, nearly all the schools for youthful delinquents are generally under private management, supported by grants-in-aid from Government. This has also the advantage of solving the question of religion. In Bombay and Madras, besides the Government institutions, provision is made for the recognition of other institutions considered suitable for the training of children. In our Bill there is no such provision, but it seems necessary to take power to recognise private schools also subject to regular inspection.

Coming to the other provisions of the Bill, it will be noticed that the establishment of separate courts for the hearing of charges against children or young persons is contemplated. This system will, if it is hoped, lead in good time to the setting up of a few Benches composed of men and women with special qualifications to deal with juvenile crime. But as a rule, and for the present at any rate, it need not involve the appointment of special or additional magistrates. All that is needed is that the magistrate should sit at special hours and if possible in a separate room to hear the charges, and that the atmosphere should be suggestive to all concerned including the magistrate, of the protective rather than the punitive character of the proceedings.

Besides commitment to the Borstal School, the Bill provides for alternative methods of treatment, such as, discharging the offender after due admonition; or committing the offender to the custody of a parent or guardian on their executing a bond or committing the offender and

placing him under the supervision of a person named by the court.

Provision is also made to punish offences against children, such as parental neglect, or encouraging children to beg or permitting them to frequent a brothel.

The proposal to start the institution for 300 persons involves a non-recurring expenditure of Rs. 2.35 lakhs and a recurring expenditure of Rs. 40,000 a year. For the present, it is desirable to have the necessary legislation to be in a position to start the institution as soon as the funds permit.

The general principles of the Bill were accepted by the Representative Assembly at the last Session. I move that the Bill be read in Council.

THE ADDITIONAL SECRETARY TO GOVERNMENT (Mr. C. Subrahmanya Aiyar).—Sir, I beg to second the motion.

***Mr. Belur SREENIVASA IYENGAR.**—

Sir, of the very excellent measures which Government have introduced for the benefit of the people, this is one. Though we are 12 years behind hand of Madras and though only one institution is proposed to be started for all persons under the age of 18 as stated by the Mover in his speech instead of separate institutions as elsewhere, this is a very important measure. But what I was not quite able to follow is this. If a person who is committed to a Borstal School commits an offence, the trial instead of being by a Magistrate, will be by a committee. Another thing is this. Punishment to be awarded in the second trial should be an enhancement over the first one. It is not clear whether the committee could do this. Again, about clauses 49 and 50 re custody of the child after conviction, I do not know whether any rules are proposed to be framed because I do not see any separate clause for it. We have combined three Acts and there are these difficulties. I hope all these will be considered in the Select Committee stage. On the whole it is very good and the Government should have thought of instituting a Borstal School much earlier and I do not think there will be any objection to it now. The Assembly has accepted the general principles of the measure and I would also heartily support it provided these points which I have stated are considered. I do not propose to take a long time of the House on this Bill. The Madras Act may be gone into and every attempt may be made to make this bill an ideal one.

With these words, I support the measure.

ಮಿ. ಎಚ್. ಸಿದ್ದಯ್ಯನವರು.—ಸ್ವಾಮಿ, ಈ ವಿಷಯ ದಲ್ಲಿ ಕೆಚ್ಚಾಗಿ ಹೇಳುವುದು ಅನಾವಶ್ಯಕ. ನಾವು ಗಿಯೂ ಈ ಮಸೂದೆಯು ಬಹಳ ಒಳ್ಳೆಯ ಟ್ರೇಜರಿಂಗ್ ಕೂಡಿದೆ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಾವು ಅನುಭವವನ್ನು ಕಂಡುಬಂದ ಒಂದು ವಿಷಯವನ್ನು ನಾನು ಕವಳಿಗೆ ತಿಳಿಸಲು ಅಪೇಕ್ಷಿಸುತ್ತೇನೆ. ಅದು ತಮಗಲ್ಲಾ ಗೊತ್ತಿವೆ. ನಾನು ವೈಯಕ್ತಿಕವಾಗಿ ನಬ್ ಜೈಲಿನಲ್ಲಿ ಬೈದಿಯಾಗಿದ್ದಾಗ ಹತ್ತಿರದ ಹದಿನೆಂಟು ವರ್ಷದೊಳಗೆ ಇರುವ ಸಣ್ಣ ಹುಡುಗರು ಅಲ್ಲಿ ಶಿಕ್ಷೆಯನ್ನನುಭವಿಸುತ್ತಿದ್ದರು. ಅದರಲ್ಲಿ ನಾನು ಸ್ವಾಭಾವವದರಿಂದಲಾಗಿ. ಜೈಲಿನಲ್ಲಿ ಅವರ ಸ್ಥಿತಿಗತಿಗಳಿಂದಲೂ ಅವರ ಮನಸ್ಸಿನ ಮೇಲೆ ಧರ್ಮದ ಪರಿ

ಜಾಮಾಬಾಗುತ್ವದೆಂದು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಸಾಮಾನ್ಯವಾಗಿ ನಣ್ಣು ಪುಟ್ಟ ಕಳ್ಳತನಗಳನ್ನು ಮಾಡಿ ಅವರು ಶಿಕ್ಷೆ ಹೊಂದಿರುವುದು. ಕಾಫಿ ಕುಡಿಯುವುದಕ್ಕೆ ದುಡ್ಡಿಲ್ಲದೆ ಕದಿಯುವವರು, ಫೌಟರ್ ಕದ್ದು ಸಿಕ್ಕಿ ಬೀಳುವವರು, ಇಂಥವರೇ ಹೆಚ್ಚು. ಒಟ್ಟಿನ ಮೇರೆ ಅಲ್ಲ ಬರುವವರು ನಣ್ಣು ಹುಡುಗರು. ಅವರಲ್ಲಿ ಕೆಲವರು ಎಲ್ಲೆಡೆ ಎರಡು ಮೂರು ಸಾರಿ ಶಿಕ್ಷೆಯನ್ನು ಅನುಭವಿಸಿರುತ್ತಾರೆ. ಮೊದಲನೆಯ ಸಲ ಹುಡುಗರು ಕಳ್ಳತನಮಾಡಿ ಜೈಲಿಗೆ ಬಂದಾಗ ಅವರಿಗೆ ಒಳ್ಳೆಯ ಬುದ್ಧಿಯನ್ನು ಕಲಿಸಲು ಪ್ರಯತ್ನಮಾಡಿದರೆ ಮುಂದೆ ಅವರು ಅಂಥ ಕೆಲಸಕ್ಕೆ ಹೋಗುವುದಿಲ್ಲ. ಅವರಿಗೆ ತಮ್ಮ ಜೀವನವನ್ನು ಸಾಗಿಸಿ ಕೊಳ್ಳಲು ಕೆಲವು ಕೈಗಾರಿಕೆಗಳಲ್ಲಿ ಶಿಕ್ಷಣ ಕೊಡಬಹುದು. ಹಾಗೆ ಮಾಡಲು ಈ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿದೆ. ಹುಡುಗರ ಹಿತದೃಷ್ಟಿಯಿಂದ ಇದು ಬಹಳ ಒಳ್ಳೆಯ ಮನೋದಯಾಗಿದೆ. ಇದಲ್ಲದೆ, ಮನೆ ಮಠ ಇಲ್ಲದೆ ಕುಟ್ಟು ಜನರ ನಹವಾಸದಲ್ಲಿ ತಿರುಗಾಡಿರುವವರನ್ನು ಕರೆದುಕೊಂಡು ಬಂದು ನರಿಯಾದ ಶಿಕ್ಷಣ ಕೊಡುವುದಕ್ಕೆ ಈ ಮನೋದಯಲ್ಲಿ ಅವಕಾಶವಿದೆ. ಈ ವಿಷಯದಲ್ಲಿಯೂ ಇದು ಒಳ್ಳೆಯ ಮನೋದಯಾಗಿದೆ. ಇದು ಅನೇಕ ಹುಡುಗರನ್ನು ಕಾಪಾಡತಕ್ಕದಾಗಿದೆ. ಫಲಕರವಾದುದು ಮತ್ತು ರಾಫದಾಯಕವಾದುದು ಆಗಿದೆ. ಅದುದರಿಂದ ಇದನ್ನು ಕೃತಜ್ಞತಾಪೂರ್ವಕವಾಗಿ ಅಂಗೀಕರಿಸುತ್ತೇವೆ ಮತ್ತು ಇದು ಬೇಗ ಕಾನೂನಾಗಿ ಬರಬೇಕೆಂದು ಹಾರೈಸುತ್ತೇವೆ.

Mr. T. RAMACHANDRA.—Sir, it is really a very commendable thing that the Government should have brought forward this measure. Although it is nearly 20 years since attention is being paid to the protection of children not only in other parts of the world, but even in the neighbouring provinces of Bombay and Madras, it is never too late in the day to take action here. Particularly the vagrant boys and child beggars in the streets of Bangalore, Mysore and Kolar Gold Field and other industrial centres, are a growing menace to our city population. These uncared-for children become the future criminals and they are the breeding ground for all vice. To save the child while it is possible to do so is a great act. I happened to meet some of these young boys and on questioning, I learnt that since the passing of the Act in Madras, these boys, for fear of being caught by the police there have come down to Bangalore where no such Act was in force. A recent survey conducted last year on the beggar problem disclosed that there were more than 300 vagrant juveniles in Bangalore City. These vagrants have not yet been brought within the arms of any law. Of course the Police Department is not unaware of the existence of this large number of boy-beggars.

The bill before us has been modelled on three Acts as has been mentioned by the previous speaker, viz., the Borstal Act, the Reformatory Act and the Children Protection Act. This bill requires a few amendments, particularly in view of the fact that the Madras Act has been recently amended so as to include also the rescue and protection of those who are found in the houses of ill-fame. This is found in the Bombay Act of 1924, Section 7, clause (f) and it runs thus:—

“A child who is otherwise likely to fall into bad association or exposed to moral danger or to enter upon a life of crime.....”
Such a child needs protection.

A clause has recently been added in the Madras Act as follows:—

“A child found in a house used for immoral purpose or in circumstances calculated to cause, encourage or help seduction or prostitution.....”

This clause is particularly intended to save young girls who are found in brothels. This provision is not in the Brothels Act. But with a view to save young girls in immoral houses, this clause has been added to the Madras Children's Act recently.

The Member in his speech was pleased to state that Government will be incurring expenditure for establishing a suitable Borstal School. I hope that though the school is named as Borstal School, there will be different sections to deal with boys of different ages, for under this Act, we will have to deal with children varying from very young age up to the age of 18. It may be possible also that Government might have a section of the Borstal for juniors and another for seniors.

As regards private institutions which are very helpful both in Bombay and Madras, I wish to bring to the notice of this House and also to Government that the Madras Government is very liberal encouraging private institutions to take vagrants who are not yet treated as criminals and who come under sections in Chapter III of the proposed bill, which deals with children and young persons not being youthful offenders. Such children are not sent to the Borstals, but they are sent to homes maintained by private associations and very liberal grants are given to them by the Government. You were pleased to mention that no provision exists. I searched the Madras Act. In part IV, Section 24, sub-section (2) it is said:

“Where under this Act, the Court is empowered to order a child to be sent to a borstal school.....the court.....may make an order for the committal of the child to suitable custody.....”

That suitable custody stands for home or homes maintained by private associations. The same provision is fortunately to be found in our bill also—Part III, Section 24, sub-section (d) (ii), Power to commit child to suitable custody.

Having passed this Bill into Act, Government should not only establish Borstal Schools directly under Government auspices, but also take charge of offenders, commit them to private institutions who will cater to the boys who are vagrants. Because the first principle of the Children's Protection Act is not to stamp children as criminals, but to infuse in them the spirit of self-respect and honest occupation. Therefore private homes should be liberally helped and encouraged. It may be asked who can take care of the large number of vagrant boys in the streets. Legislation helps to a great extent. The moment the policeman with the law behind him goes and catches these children, you will find a large number of them going back

and settling in useful occupations. It is because nobody catches them, nobody has any fear now. After the passing of the Act in Madras, the Moore Market in Madras which was so notorious for its pickpockets is free from these vagrants, because the police working under the Act there and those who are managing private institutions are very alert and the moment a vagrant boy is found, he is taken to the home for protection. Such a sympathetic care is wanted for handling these unfortunate young children both sinning and sinned against.

With these remarks, I commend this bill for the acceptance of the House.

Rajacharitavisarada Rao Sahib C. HAYAVADANA RAO.—Sir, this bill has been very carefully drafted and I can state as a member of the Committee that framed it originally that the amount of care that has been brought to bear upon it was really of a valued character. I can say this much that the object of the proposed measure is to keep, if possible, boys away from the contaminating influences of jails, if possible to keep them away entirely from bad influences. One of the previous speakers suggested that the court might not be empowered to pass a sentence. What could they do? You will have of necessity to go to a Magistrate. This aspect was considered by the Committee. One of the objects of this measure is to keep the magistrate away from the boy criminal. I would suggest reference to Section 27 of the Bill. The whole object of the legislation would be frustrated if anything like that were to be done, viz., bringing them within the jurisdiction of magistrates. Government have got power under Section 19 when punishments could not be given, in cases for instance, of serious crimes committed by young persons; to detain them in safe custody and report them to Government for orders. Then, the matter having been reported to Government, Government may order the person to be detained in such place and on such conditions as it thinks fit. That being the position and the object of the bill being what it is—the detention and training of youthful offenders under approved conditions. I think it will be very necessary that we should not do anything that would prevent the measure from giving effect to the good intentions of those who framed it. The opening of a Borstal Institution is a very urgent necessity to keep boys who have unfortunately gone wrong under control and under conditions which may improve them so that their future life might be unmarred. Whatever might be the amendment that may be proposed in regard to vagrant children, it must be remembered that this is only the beginning of wholesome reform and it should be carried out along right lines. As put forward and as framed, this bill is a measure which is likely to do a great deal of good and I suggest that the Select Committee that is going to consider this bill, will consider it from the main point of view of bettering the

condition of vagrant children so that they may be taken away from the contaminating influences of ordinary prison life.

Mr. T. RAMACHANDRA.—Sir, with your permission, I beg to thank Dr. Subba Rao who as Chairman of the Borstal Committee took great pains to frame this Bill and to Mr. Mallappa who served as Secretary to the Committee.

Mr. PRESIDENT.—The question is :

"That the Mysore Juveniles Bill, published under Rule 8 of the Rules of Business, be read in Council."

The motion was adopted.

(b) *Motion that the Bill be referred to a Select Committee.*

Mr. N. MADHAVA RAU.—Sir, I beg to move that the Bill be referred to a select committee consisting of the following members :—

Mrs. Yeshodhara Dasappa.
Mr. T. Ramachandra.
Mr. H. Siddaiya.
Mr. R. Chennigaramiah.
Rajasevaprakata B. T. Kesavalengar.
Rajasevaprakata B. K. Narayana Rao.
Mr. McAlpine.
Mr. Mirle N. Lakshminaranappa, and
Myself.

Mr. C. SUBAAMANYA AIYAR.—Sir I beg to second the motion.

Mr. PRESIDENT.—The question is :

"That the Bill be referred to a Select Committee comprising of the members referred to by the Mover."

The motion was adopted.

GENERAL SECRETARY.

23 MAR. 1937

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THE MYSORE JUVENILES REGULATION 1937.

THE MYSORE JUVENILES REGULATION 1937

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Mysore

B. S. R.

Regulation No. of 1937

~~An~~ ^{Act} Regulation to make ^{Act} [better] provision for the establishment and regulation of Borstal Schools for the detention and training of youthful offenders and for the protection of children and young persons in Mysore.

Preamble

Whereas it is expedient to make ^{Act} [better] provision for the custody, trial, and punishment of youthful offenders, for the establishment and regulation of Borstal Schools, for the detention and training of youthful offenders, and for the protection of children and young persons in Mysore, it is hereby enacted as follows :-

P A R T I

Preliminary.

Short Title
and extent.

1 (1) This ^{Act} ~~Regulation~~ may be ^{called} ~~called~~ as the "Mysore Juveniles ^{Act} ~~Regulation~~ 1937".

*In order
to amend
Act
S. 1.*

(2) The Government of ~~His Highness~~ the Maharaja of Mysore may, by notification, from time to time, apply the whole or any portion of this ^{Act} ~~Regulation~~ to children, young persons or youthful offenders or any class thereof in any local area in the State of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

Definition

2 In this ^{Act} ~~Regulation~~ unless there be ^{in connection} ~~something~~ repugnant in the subject or context -

*In c Act
3.*

(1) "Child" means a person under the age of fourteen years and when used in reference to a child sent to a Borstal School applies to that child during the whole period of detention, notwithstanding that the child attains the age of fourteen years before the expiration of that period.

(2) "Young person" means a person who is fourteen years of age or upwards and under the age of eighteen years.

(3) "Youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment or who having been ordered to furnish security under section 118 of the Code of Criminal Procedure, 1904, has failed to do so and who at the time of such conviction or failing to give security was under the age of eighteen years.

(4) "Guardian" in relation to a child, young person or youthful offender includes any person, who, in the opinion of the Court having cognizance of any case in relation to the child, young person, or youthful offender, or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender.

in relation to the child, young person, or youthful offender
(5) "Borstal School" shall mean a corrective institution wherein youthful offenders, whilst detained in pursuance of this Regulation are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime.

DO 1 (2)
(6) "Inspector General" shall mean the Inspector General of Prisons and shall include any officer appointed by the Government to perform all or any of the duties imposed by this Regulation on the Inspector General [and shall include a person appointed to act as Inspector General].

(7) "Prescribed" means prescribed by the rules under this Regulation.

Establishment
of Borstal
Schools.

3 (1) For the purposes of this Regulation, the Government may establish one or more Borstal Schools.

B. Act
S. 2.

(2) For every Borstal School the Government shall appoint a Superintendent and a Committee of Visitors.

Rules

4 (1) The Government may from time to time ^{after the first meeting of the} make rules for the purpose of carrying into effect the provisions of this ^{Act} Regulation.

B Act

S. 4

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made with regard to :-

- ✓ (a) the control and management of Borstal Schools established under this ~~Regulation~~ ^{Act}.
- ✓ (b) the appointment, powers and duties of ~~visiting~~ ^{visiting} ~~committees~~ officials in such schools.
- ✓ (c) the constitution, powers and duties of visiting committees.
- ✓ (d) the ~~classification~~ treatment, maintenance, education, industrial training and control of the inmates.
- (e) the temporary detention of youthful offenders until arrangements can be made for sending them to Borstal Schools.
- (f) visits to and communication with youthful offenders.
- (g) ^{The class of persons who may be admitted under} removal of articles which are deemed to be ^{section} "prohibited articles" when introduced without due authority.
- (h) the penalties to be imposed for the supply or possession of such articles when possessed or supplied without due authority.
- (i) the punishment of offences committed by youthful offenders.
- (j) the granting of licences for the employment of youthful offenders.

(3) All rules made under this ^{Act} Regulation shall be published in the local official Gazette and on such publication shall have effect as if enacted in this ~~Regulation~~ ^{Act}.

Application
of the Mysore
Prisoners
Testimony
Regulation
1894

5 Subject to any alterations, adaptations and exceptions made by this Regulation and the rules framed under it, the Mysore Prisoners' Testimony ^{Act} Regulation 1894 and the rules framed thereunder shall apply in the case of every Borstal School established under this Regulation as if it were a prison and the inmates prisoners.

B Act

S. 5

Courts empowered under this Regulation.

Dr. B. Act
S. 6.
Dr. C. Act
S. 4 -

Procedure when Magistrate is not empowered to pass sentence under this Regulation.

Dr. C. Act
S. 5
Dr. B. Act
S. 7.

6 The powers conferred on Courts by this ~~Regulation~~^{Act} shall be exercised only by (a) ^{the} High Court, (b) a court of Sessions, (c) a District Magistrate, (d) a sub-divisional Magistrate, (e) any Magistrate of the first or second class specially empowered by the Government to exercise all or any of such powers, (f) any Juvenile Court constituted under sub-section (1) of section 28 of ~~this Regulation~~ and may be exercised by such courts whether the case comes before them originally or on appeal or in revision.

7 (1) When any Magistrate not empowered to pass sentence under this ~~Regulation~~^{Act} is of opinion that a child or young person brought before him or convicted by him is a proper person to be detained in a Borstal School, he may, without passing sentence, record such opinion and submit his proceedings and forward the child or young person to the District Magistrate to whom he is subordinate or to the Magistrate presiding over the nearest juvenile court having jurisdiction in the case.

(2) The District Magistrate or the Magistrate presiding over the juvenile court to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such child or young person had originally been ^{brought before him} ~~tried~~ by him.

PART II youthful offenders.

Bail of Children and young person arrested.

Dr. C. Act
S. 18

8 Where a person apparently under the age of eighteen years is arrested on a charge of a nonbailable offence and cannot be brought forthwith before a court, the officer in charge of a Police Station to which such person is brought shall release him on bail if sufficient surety is forthcoming, unless for reason to be recorded in writing the officer believes that such release would defeat the ends of justice or that the release of the child or young person would bring ~~him~~

into association with any reputed criminal.

Custody of
Children &
Young per-
sons not
discharged
on bail after
arrest.

2. e Act
S. 19

Remand or
Committal
to custody.

2. e Act
S. 20.

Attendance
at Court of
parent of
child or
young per-
son charged
with an of-
fence etc.

2. e Act
S. 21

9 Where a person apparently under the age of eighteen years having been arrested is not released under section 8 or otherwise, the officer in charge of the Police Station shall cause him to be detained in the prescribed manner, until he can be brought before a court having jurisdiction under this ~~Regulation~~ ^{Act}.

10 A court on remanding or committing for trial a child or young person who is not released on bail shall order him to be detained in the prescribed manner.

11 (1) Where a child or young person is charged with any offence and brought before a Court having jurisdiction under this ~~Regulation~~ ^{Act}, his parent or guardian may in any case and shall, if he can be found and resides within a reasonable distance and the person so charged or brought before the court is a child, be required to attend at the Court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child or young person is arrested the officer in charge of the Police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be ^{the} parent or guardian having the actual possession and control of the child or young person; provided that if that person is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child or young person shall not be required under this section in

any case where the child or young person ~~shall~~
~~required~~ was before the institution of the proceedings
removed from the custody or charge of his parent by
an order of a Court.

power of
Court to pass
sentence of
detention
in Borstal
school.

12 where it appears to a court having jurisdiction under this ^{Act} regulation that a youthful offender should, by reason of his criminal habits or tendencies or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the court, in lieu of passing a sentence of transportation or imprisonment, to pass a sentence of detention in a Borstal school for a term which shall not be less than three or more than five years;

provided that, before passing such sentence, the court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal School and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

provided ^{further} that a child or young person may be sentenced to transportation or imprisonment or committed to prison in default of payment of fine or in default of furnishing security where the court certifies that he is of so unruly or of so depraved ~~of~~ a character that he is not a fit person to be sent to a Borstal School and that none of the other methods in which the case ~~may~~ legally be dealt with is suitable.

Limitation
on powers conferred by
section 12.

13 Any person detained in a Borstal School for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1904, shall be released on furnishing such security or on the passing of an order under section 124 of the Code.

m.B.S. Act 59

Commitment of offenders to Borstal School sentenced prior to the commencement of this Regulation. 14 where prior to the commencement of this ^{Act} Regulation a youthful offender has been sentenced to transportation or imprisonment, the Government may direct that in lieu of undergoing or completing such sentence, if under the age of eighteen years, he shall be sent to a Borstal School; and thereupon the offender shall be subject to all the provisions of this ^{Act} Regulation as if he had been originally sentenced to detention in a Borstal School.

Power of Inspector General to transfer prisoners to Borstal School. 15 The Inspector General may, subject to rules made by the Government, if satisfied that any youthful offender undergoing transportation or imprisonment in consequence of a sentence passed either before or after the passing of this ^{Act} Regulation might with advantage be detained in a Borstal School, direct that such person shall be transferred from prison to a Borstal School, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this ^{Act} Regulation shall thereupon apply to such person as if he had been originally sentenced to detention in a Borstal School.

Preliminary inquiry and finding as to age of youthful offender. 16 (1) Before passing a sentence under section 12 the Court shall enquire into the age of the offender and ~~after~~ after taking such evidence (if any) as may be deemed necessary shall record a finding thereon stating his age as nearly as may be.

(2) A similar enquiry shall be made and finding recorded by every Magistrate not empowered to pass sentence under section 12 before submitting his proceedings and forwarding an youthful offender to the District Magistrate or to the Magistrate presiding over a Juvenile Court having jurisdiction in the case as required by subsection (1) of section 7.

Period of detention. 17 the order in pursuance of which a young person or a child is ~~xxx~~ sent to a Borstal school shall specify the

time for which the young person or child is to be detained in the School being :-

(a) in the case of a young person not less than three and not more than five years but not in any case extending beyond the time when the young person will, in the opinion of the Court, attain the age of twenty-one years.

(b) In the case of a child such time as the court may deem proper for the teaching and training of the child but not in any case extending beyond the time, when the child will, in the opinion of the court attain the age of seventeen years.

power to discharge youthful offender or to commit him to suitable custody.

187 A court may, if it shall think fit, instead of directing any youthful offender to be detained in a Borstal School order him to be :-

(a) discharged after due admonition or

(b) committed to the custody of his parent or guardian or any adult relative, on such parent, guardian or relative executing a bond with or without sureties, as the court may require, to be responsible for the good-behaviour of the youthful offender for any period not exceeding twelve months, and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the Court.

In C.A. 24
S. 25

Power to order parent to pay fine etc. instead of child or young person.

188 (1) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not concurred to the commission of the

In C.A. 24
S. 26

offence by neglecting to exercise due care of the child or young person.

(2) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1904.

Detention in
the case of
certain se-
rious crimes
committed by
children or
young persons.

m. e Act
S. 27

20¹⁹ (1) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provision of this ~~Regulation~~ ^{Act} it is authorised to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Government.

(2) Notwithstanding the provisions of section 12 the Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody.

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

Methods of
dealing with
children and
young persons
charged with
offences.

m. e Act
S. 28

21²⁰ Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other ~~regulation~~ ^{Act} enabling the court to deal with the case, the case should be dealt with, namely, whether,

provided that the whole period of his detention in a ~~Borstal~~ school shall not be increased by such removal.

Transfer of incorrigibles etc. to prisons.

M.B. R.
S. 24

24 ✓. where a person detained in a Borstal School is reported the Government by the Superintendent and the visiting Committee of such school to be incorrigible or to be exercising a bad influence on the other inmates of the School, the Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Government may determine, but in no case exceeding,

(a) such unexpired residue, or

(b) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or

(c) the maximum period of imprisonment which the court that tried him had authority to award under the code of Criminal Procedure, 1904,

whichever is shortest.

P A R T III

Children and young persons not being youthful offenders.

Children liable to be sent to Borstal School.

M. e. R.
S. 25

25 (1) In any area to which the Government shall direct that this section shall apply, any person authorised in this behalf in accordance with rules made by the ~~local~~ Government may bring before a court any person apparently under the age of fourteen years who,

(a) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian or a parent or guardian who does not exercise proper guardianship; or

(b) is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing transportation or imprisonment; or

(c) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(d) frequents the company of any reputed thief; and the court before which a person is brought as coming within one of those descriptions, if satisfied on enquiry of that fact, and that it is expedient so to deal with him, may order him to be sent to a Borstal School.

power to
Commit child
to suitable
custody.

(2) Where under this ^{Act} regulation a court is empowered to order a child to be sent to a Borstal School, the court, in lieu of ordering him to be so sent, may make an order for the committal of the child to suitable custody in the prescribed manner until he attains the age of seventeen years or for any shorter period.

Power to
commit young
person to care
of relative or
fit person
in certain
cases.

(3) Any police Officer or other person authorised by the Government in this behalf may bring before a Court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in sub section (1) and the Court if satisfied on enquiry of that fact and that it is expedient so to deal with him, may make an order for his committal to suitable custody in the prescribed manner until he attains the ^{Section} age of sixteen years or for any shorter period.

(4) The court which makes an order committing a child or young person to suitable custody under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

Uncontrollable
children.

M. E. Act
5-36-

26 ^{vs} Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a Borstal School the Court, if satisfied on enquiry that it is expedient

so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to any ^{such} [Borstal] School [established under this Regulation]

P A R T IV

Maintenance and treatment of persons sent to Borstal schools or committed to suitable custody

Contribution
of parent.

27.12.54
S. 31

27¹² (1) The Court which makes an order for the detention of a child in a Borstal School under section 26 or for the committal of a child or young person to suitable custody under this ^{Act} Regulation may make an order on the parent or other person liable to maintain the child or young person to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) Any order made under this section may from time to time be varied by the court.

(3) The persons liable to maintain a child or young person shall for the purposes of Sub-section (1) include in the case of illegitimacy his putative father

Provided that where the child or young person is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1904, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them towards the maintenance of the young person or child.

(4) Any order under this section may be enforced in the same manner as an order under section 498 of the Code of Criminal Procedure, 1904.

P A R T V

Juvenile Courts

Juvenile
Courts.

*2n. C. Act
S. 36.*

28²⁷ (1) The Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against children or young persons or of applications for orders or licences relating to a child or young person at which the attendance of the child or young person is required.

(2) Where no such separate court has been established, the court before which a child or young person is brought shall unless the child or young person is tried jointly with any other person, not being a child or young person, whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

P A R T VI

Release on Licence.

Power to re-
lease on
licence.

*2n. B. Act
S. 15*

29¹⁸ (1) Subject to any general or special directions of the Government, the Inspector General, on the recommendation of the Superintendent and the Visiting Committee, may, at any time after the expiration of six months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal School on condition that he be placed under the supervision or authority of any Government officer, or secular institution, or person, or religious society professing the same religion as the inmate, named in the licence who may be willing to take charge of him.

(2) A licence under this section shall be in force

until the term for which the offender was sentenced to detention has expired, unless sooner revoked or forfeited.

Form of
licence.

M. B. Act
S. 16

30²⁹ Every licence granted under section 29 shall be in such form and shall contain such conditions as the Government may by rules direct.

Revocation of
licence.

M. B. Act
S. 17

31³⁰ Subject to any general or special directions of the Government, a licence granted under section 29 may be revoked at any time by the Inspector-General and where a licence has been revoked the person to whom the licence related shall return to the Borstal School.

Escape and for-
feiture of
licence.

M. B. Act
S. 18

32³¹ If any inmate escapes from a Borstal School or if an inmate absent on licence from a Borstal School removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal School, a police officer not below the rank of a Sub-Inspector of Police may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal School and his licence shall be forfeited with effect from the date of his escape or failure to return as the case may be.

Absence under
licence to be
counted to-
wards period
of detention.

M. B. Act
S. 19

33³² The time during which a person is absent from a Borstal School under a licence shall be treated as part of the term of his detention in the school; provided that where that person has failed to return to the school on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the school.

Penalty for
abetting es-
cape of youth-
ful offender
or child.

M. B. Act
S. 34

34³³ Whoever -

(a) knowingly assists or induces directly or indirectly a youthful offender or child detained in or placed out on licence from a Borstal School to escape from the

school or from any person with whom he is placed out on licence or any child or young person to escape from the person to whose custody he is committed under the provisions of this ~~regulation~~^{set};

(b) knowingly harbours, conceals or prevents from returning to school, or to any person with whom he is placed out on licence or to the person to whose custody he is committed under this ~~regulation~~^{set}, a youthful offender child or young person who has so escaped, or knowingly assists in so doing^P shall be punishable with imprisonment for a term which may extend to two months or with ^a fine not exceeding two hundred rupees or with both.

Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders.

3534 whoever, contrary to any rule made by Government introduces or removes or attempts by any means whatever to introduce into or remove from any Borstal School, or supplies or attempts to supply outside the limits of any Borstal school to any youthful offender under order of detention therein, any prohibited article, and every officer or person in charge of a Borstal School who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Borstal School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits, and whoever, contrary to any such rule communicates or attempts to communicate with any such youthful offender,

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding two months or to fine not exceeding two hundred rupees or to both.,

P A R T VII Appeal & Revision.

Appeal &
Revision.

36 35 For purposes of appeal and revision under the Code

of Criminal Procedure, 1904, a sentence of detention under section 12 of this ^{Act} Regulation shall be deemed to be a sentence of imprisonment for the same period.

Any person affected by an order of the Inspector-General under this ^{Act} Regulation may appeal to the Government whose orders shall be final. ¹¹

Appeals.

³⁶ 37 (1) An appeal from an order made by a court under sections 19, 25, 26, or 27 shall lie,

(a) if passed by a Juvenile Court or by any Magistrate other than a District Magistrate, to a District Magistrate;

(b) if passed by a District Magistrate, to the court of sessions;

(c) if passed by a court of sessions to the High Court.

(2) No appeal shall lie from any order passed in any such appeal.

(3) Any order passed under the provisions of this ^{Act} Regulation and not otherwise provided for may be revised by the High Court.

P A R T VIII

Miscellaneous

Discharge & transfer.

³⁷ 38 (1) The Government may at any time order a youthful offender or a child -

(a) to be discharged from a Borstal School either absolutely or on such conditions as the Government approves or

(b) to be transferred from one Borstal School to another.

(2) The total period of detention of the youthful offender or child shall not be increased by any transfer under this section.

Presumption and determination of age.

³⁸ 39 (1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court

that he is a child or young person, the court shall make due enquiry as to the age of that person and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order ~~of~~ judgement of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the Court to be the age of the person. ~~and~~ so brought before it shall, for the purposes of this ^{Act} regulation, be deemed to be ^{the} true age of that person, and, where it appears to the court that the person so brought before it is of the age of eighteen years or upwards, the person shall for the purposes of this ^{Act} regulation be deemed not to be a child or young person.

(2) No court shall in appeal or revision interfere with any presumption or declaration as to age made under subsection (1).

Provision as to religious persuasion.

M. C. Act
S. 38 (2)

³⁸
~~40~~ where a child or young person is committed to suitable custody under this ^{Act} regulation, the court in determining the person to whose custody the child or young person shall be committed shall endeavour to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion, or a person who gives such undertaking as seems to ~~be~~ the court sufficient that the child or young person shall be brought up in accordance with his own religion.

Removal of disqualification attaching to conviction for offences.

M. C. Act
S. 39
M. C. Act
S. 40

40 The conviction of a child or young person shall not be regarded as a conviction for the purposes of any disqualification attaching to a conviction for any offence.

41 Any person to whose custody a child or young

46. It shall stand anything to the contrary contained in any law, no child or young person shall be sentenced to death, transportation or imprisonment, or committed to prison in default of payment of fine or in default of furnishing security:

Provided that a child or young person may be sentenced to imprisonment not exceeding ten years or committed to prison in default where the Court considers that he is of so depraved a character that he is not fit to be sent to a Boarded School and that none of the other methods in which the law usually deals with the child applies.

Control of
custodian
over a child.

person is committed under the provisions of this ^{Act} ~~Regu-~~
lation shall, while the order is in force, have the like
control over the child or young person as if he were his
parent and shall be responsible for his maintenance,
and the child or young person shall continue in his
custody notwithstanding that he ^{is} ~~is~~ claimed by his parent or
any other person.

Transfer of
youthful
offenders to
Borstal
Schools in
British
India.

43 The Government may order any youthful offender to be
transferred from a Borstal School within the State to a
Borstal School in British India where there is any
mutual arrangement in that behalf between the Mysore
State and the Governor General in Council.

Bonds taken
under this
Regulation.

44 The provisions of Chapter XLII of the code of cri-
minal procedure, 1904, shall so far as may be, apply to
bonds taken under this ^{Act} ~~Regulation~~.

Procedure
when youth-
ful offender
under deten-
tion in a
Borstal
School is
again con-
victed and
sentenced.

45 When a youthful offender during his period of ~~deten-~~
detention in a Borstal School is again convicted by a
criminal Court, the sentence of such court shall commence
at once, notwithstanding anything to the contrary in
section 397 of the code of criminal procedure 1904, but
the court shall forthwith report the matter to the Govern-
ment which shall have power to ~~the~~ deal with the matter in
any way in which it thinks fit.

Restriction
of sentence
in respect
of a child
or young
person.

46 If any child or young person is convicted by any
Court empowered under section 6 of this Act of an
offence which, by any other law, is punishable with
death or transportation only, the Court may, on cer-
tificate as aforesaid under section 12, sentence him to
imprisonment for not more than 10 years.

First offen-
ders.

47 When a child or young person is convicted of an
offence punishable with fine only and is sentenced to
fine, ~~only~~ the court may add a sentence of whipping in

S 27(2)

(2) The Section must not be made
in the official register except in
liability as provided under it,
any class of person in any
place where this Act is in force

default of payment of fine unless action against his parent or guardian under sub-section (1) of section 19 is practicable.

treatment of
a child or
young person .

48 whoever, being the parent or guardian of any child or young person abandons, exposes, or willfully neglects or illtreats such child or young person in a manner likely to cause unnecessary suffering or injury to the health of such child or young person, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs.200/- or with both.

Bombay Child Act, 1924
S. 4

(2) For the purpose of this section, injury to health includes injury to or impairment of any function of the body or mind, and a parent or guardian being legally liable to maintain any child or young person shall be deemed to neglect or illtreat him if he fails to provide him with such food, clothing, medical aid and lodging, as would, in the opinion of the court which hears the case, be suitable to his condition in life.

(3) Nothing in this section shall be deemed to affect the right of a parent or guardian to administer reasonable punishment to a child or young person in his charge.

Encouraging
begging by
a child or
young person.

49 (1) whoever for his own profit causes, or being the parent or guardian allows, any child or young person to beg in any public place shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to Rs.100/- or with both.

5-10.

permitting
any child or
young person
to frequent
brothel.

50 Whoever being the parent or guardian of any child or young person allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs.500/- or with both.

5-11.

Custody of any child or young person in respect of whom an offence is committed or likely to be committed.

3. e. 2. 1
6. 1. 4.

Search
Warrant.

3. e. 2. 1
6. 1. 4.

Bond by
parent or
guardian.

new

51 In any case in which a Police Officer not below the rank of a Sub Inspector or a person authorised in this behalf in the prescribed manner, is of opinion that an offence under section 48 or 49 or 50 has been, or is likely to be, committed in relation to any child or young person, he may cause such child or young person to be placed in safety in such manner as the Government may, by rule, prescribe; provided that such child or young person shall not, without an order of a court empowered under section 6, be detained for more than 24 hours in addition to the ^{fine} necessary to produce him before such court.

52 In any case in which any court empowered under section 6 has reason to believe that an offence under section 48 or 49 or 50 has been or is likely to be committed in relation to any child or young person within its jurisdiction, the court may cause the production of such child or young person by a search warrant and the provisions of the Court of Criminal Procedure, 1904, shall apply to such warrant as if it were under section 100 of the said code.

53 (1) If any Court empowered under section 6 after such enquiry as the court thinks reasonable is of opinion that any child or young person is allowed by the parent or guardian to be in circumstances conducive to the commission of an offence under section 48 or 49 or 50, the court may, after giving the parent or guardian an opportunity of being heard, require such parent or guardian to enter into a bond with or without sureties to exercise proper care to prevent the commission of any such offence in relation to such child or young person and in default of his furnishing such security the court may order him to suffer simple imprisonment for a term which may extend to six months or to pay a fine which may extend to Rs.100/-

(2) The provisions of sections 513, 514, 514 (a) and 516 of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this section.

power to make custody order or send any child or young person to Borstal School. 54 Where the parent or guardian of any child or young person is convicted of an offence under section 48, or 49 or 50 or under chapter XVI of the Indian Penal Code, 1860, in relation to such child or young person the court

Borstal School shall have power (in addition to powers of sentencing the offenders) to make a custody order in respect of such child or young person to send him to a Borstal School as if he were dealt with under Part II.

Compensation for frivolous information. 55 If in any case dealt with under sections 48 or 49 or 50, the court is of opinion that the case was instituted without reasonable cause or on frivolous information given by any person not empowered under section 51 the court, after calling upon him to show cause may order that he shall pay such compensation not exceeding Rs.100/- as the court may deem reasonable to the person against whom the case was instituted or the information given, and such compensation shall be recoverable as a fine under the Code of Criminal Procedure 1904.

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M. A. K. K. K.
(Secretary)

S. Subbarao,
Chairman.

Statement of general principles of the
Mysore Juvenile Bill.

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The question of having a Borstal School in the State has been under the consideration of Government for some time past. ~~The~~ A Committee was constituted in 1936 to examine the desirability and feasibility of starting an institution of the kind and to suggest the legislation necessary to give effect to their proposals. The Committee forwarded their report in March 1937. The Committee considered ~~it~~ desirable that ~~the~~ young offenders should be provided with a ~~separate~~ place of detention other than the ordinary Jails so that they ~~be~~ may be reformed. They also forwarded the draft of the necessary legislation. *The recommⁿ of the Committee were published for mem^o of the public opinion with*

Government agree that there is ~~imperative~~ need for an institution of this kind. But it is not possible to provide at present the ~~necessary~~ funds required for the introduction of the scheme. It is, however, proposed to proceed with the necessary legislation taking power to bring it into force when finances permit.

The Act deals not only with youthful offenders but also with juveniles who have not committed any offence but who, owing to want of parental control, bad association or other reasons, need protection and training. "Child" is defined as a person under the age of 14 years, "young persons" as one between 14 and 18 years. A person under the age of

of 18 years convicted of an offence punishable with transportation or imprisonment may, if the Court considers it desirable to detain the youthful offenders under instruction and the discipline most conducive for his reformation, order his detention in a Borstal School. The Inspector General of Prisons may, subject to rules framed by Government, direct that any youthful offender undergoing transportation or imprisonment shall be transferred to a Borstal School. The minimum period of detention in a Borstal School is fixed at 3 years and the maximum 5 years. Provision is also made for the discharge after due admonition, or committal to the custody of the parent or guardian, of a youthful offender instead of committal to a Borstal School. Before taking such action the person's age, character and antecedents will be considered. Where a person detained in a Borstal School is reported to be incorrigible the unexpired portion of the term of his detention may be commuted to imprisonment. Children ^{who are} found wandering without a home or associating with any reputed thief or whose parents or guardians ^{are} unfit to have their care, may be brought before the Court which may order them to be sent to a Borstal School or committed to suitable ^{also} custody. Provision is made for the establishment of juvenile courts for dealing with charges against juveniles.

Provision is also made for the release of an inmate of a Borstal School on licence provided he ^{is} placed under the supervision of a

3.

a suitable person or institution willing to take charge of him.

In the interests of the well-being of children and the proper development of their character, provision is made for the punishment of offences against children, such as ill-treatment or encouraging them to beg or allowing them to frequent brothels.

The management and control of these Borstal schools and the training, educational and industrial, to be given therein and the control of the inmates will be prescribed by rules under the Act.

W
20/9/38

See.

W
20/9/38

Statement of general principles of the Mysore Juvenile
Bill.

The question of having a Porstal School in the State has been under the consideration of Government for some time past. A Committee was constituted in 1936 to examine the desirability and feasibility of starting an institution of the kind and to suggest the legislation necessary to give effect to their proposals. The Committee forwarded their report in March 1937. The Committee considered it desirable that young offenders should be provided with a place of detention other than the ordinary Jail so that they may be reformed. They also forwarded the draft of the necessary legislation. The recommendations of the Committee were published for the information of the public and opinions invited.

Government agree that there is need for an institution of this kind. But it is not possible to provide at present the funds required for the introduction of the scheme. It is, however, proposed to proceed with the necessary legislation taking power to bring it into force when finances permit.

The Act deals not only with youthful offenders but also with juveniles who have not committed any offence but who, owing to want of parental control, bad association or other reasons, need protection and training. "Child" is defined as a person under the age of 14 years, "young person" as one between 14 and 18 years. A person under the age of 18 years convicted ~~for~~ of an offence punishable with transportation or imprisonment may, if the Court considers it desirable to detain the youthful offender under instruction and discipline most conducive for his reformation, order his detention in a Porstal School. The Inspector General of Prisons may, subject to

rules framed by Government, direct that any youthful offender undergoing transportation or imprisonment shall be transferred to a Borstal School. The minimum period of detention in a Borstal School is fixed at 3 years and the maximum 5 years. Provision is also made for the discharge after due admonition, or committal to the custody of the parent or guardian, of a youthful offender instead of committal to a Borstal School. Before taking such action the person's age, character and antecedents will be considered. Where a person detained in a Borstal School is reported to be incorrigible ^{the} ~~and~~ unexpired portion of the term of his detention may be commuted to imprisonment. Children who are found wandering without a home or associating with any reputed thief or whose parents or guardians are unfit to have their care, may be brought before the Court which may order them to be sent to a Borstal School or committed to suitable custody. Provision is made for the establishment of juvenile courts for dealing with charges against juveniles.

Provision is also made for the release of an inmate of a Borstal School on licence provided he is placed under the supervision of a suitable person or institution willing to take charge of him.

In the interest of the well-being of children and the proper development of their character, provision is made for the punishment of offences against children such as ill-treatment or encouraging them to beg or allowing them to frequent brothels.

The management and control of the Borstal school ~~and~~ the training, educational and industrial, to be given therein and the control of the inmates will be prescribed by rules and the Act.